STATE ADMINISTRATION IN MARYLAND

BY

JOHN L. DONALDSON

A DISSERTATION

Submitted to the Board of University Studies of The Johns Hopkins University in Conformity with the Requirements for the Degree of Doctor of Philosophy

1914

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PREFACE

This monograph is a study of administration in Maryland, and is in no sense a history. Only in certain cases, where it was deemed necessary, has the historical development of a function been traced. Nor is it a story of administrative politics in Maryland. It deals exclusively with the organization and the interrelations of the administrative departments of the Maryland government, and attempts a scientific analysis of their functions and forms.

It is perhaps unnecessary to point out that this study treats of state administration, and, except where the two fields are organically interwoven, excludes from consideration county and Baltimore City administration. Police administration has not been considered. In the counties it is insignificant, and, while the Baltimore City police commissioners are state officers, their work is largely a matter of local concern.

Frequent reference has been made to the "Code 1912." By this is meant the "Annotated Code of Maryland" by George P. Bagby, of the Baltimore Bar, which includes the laws of 1910, was printed in 1911, and is known under the date of 1912. In a few places reference is also made to a "Code 1904," which is a similar codification known as "Poe's Code." The regular annual reports of the various administrative departments have also been used. When other specific reference is not given, these reports, or a summary of them in the governor's reports, will be found in the biennial "Maryland House and Senate Documents."

It is regretted that this study does not include the provisions of the laws passed by the 1914 legislature. It was brought to a conclusion while the session was still in progress. When possible, pending legislative proposals have been discussed. The delay in the publication of the study,

which the author was unable to avoid, has possibly rendered inapplicable to present conditions certain discussions and observations.

In concluding this preface, appreciation is expressed of the wise guidance of Professor W. W. Willoughby. Acknowledgment is also made of the author's indebtedness to Dr. Horace E. Flack and Dr. Bernard C. Steiner for their kind advice, and to numerous state officials for their courtesy in giving information, especially to the Honorable Charles J. Bonaparte, Dr. John S. Fulton, Dr. Frederic V. Beitler, Mr. B. K. Purdum, and Mr. William H. Davenport.

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STATE ADMINISTRATION IN MARYLAND

INTRODUCTION

This study does not attempt to describe the entire governmental structure of the State of Maryland. Its scope is limited to an account of that part of the executive branch which has to do with the actual performance of duties relating directly to the economic, intellectual, and moral welfare of the people. In very considerable measure, therefore, we shall have to deal with those functions which in general terms may be spoken of as the police powers of the State,—those powers which have been defined by the Supreme Court of the United States as authorizing executives "to prescribe regulations to promote the health, peace, morals, education, and good order of the people" and "to increase the industries of the state, develop its resources, and add to its wealth and prosperity."

As an introduction to the performance of the task thus outlined, it will be necessary to refer to the powers of the governor. Generally speaking, the governor of Maryland is given control of administrative matters, and he appoints a great majority of administrative boards and chief officers, although no rule has been followed in this regard. There are a few rather important boards over which he has no control whatever; for instance, the licensing of physicians is put in the hands of boards chosen by the respective medical societies of the state. Aside from several boards of this kind, which for the most part deal with technical or scientific matters, he has almost complete appointive power. The extent of this appointive power varies. In some cases the appointment must be made "by and with the advice and

consent of the Senate;" usually this is the case when the office is a highly important one. It may be said that the power of removal accompanies the power to appoint; sometimes hearing must be given, in other cases not. Practically all of the administrative departments report to the governor, who transmits these reports to the legislature. Several of the most important boards to which the governor appoints members are the State Board of Education, the State Board of Health, the Lunacy Commission, and the Board of State Aid and Charities; he will probably also soon have the appointment of members of the Penal Board. It is interesting to note that the governor appoints, in addition, almost all the minor administrative boards and many state hospital and similar boards, of some of which he is himself a member. At every session of the General Assembly the governor must make a report to that body, reviewing the administrative work of the two previous years, and making recommendations.

There are a number of boards of which the governor is an ex officio member, often along with other state officers, such as the treasurer and the comptroller. For the most part, his influence and activity in the work of such boards are not great, although a very energetic governor might develop his power considerably through this means. There is one board, however, in the transactions of which the governor is a very important figure, namely, the Board of Public Works. This may be due to some extent to the small number of members on the board. In this case the governor is much more than a central, supervisory officer; he actually steps down into the field of state finance, and with the other two members of the board—the treasurer and the comptroller of the treasury—carries on the financial activities of government, approving bonds and depositories for state money, making bond issues after legislative authorization, and generally exercising decisive influence in forming the financial policy of the government and in putting it into practice. The Board of Public Works also has

several other functions, such as the supervision of the State Fishery Force.

Again, the governor has a number of important miscellaneous duties, such as the approving of bonds given by state officers, the signing of land patents, the quarantining of vessels, and so on. Finally, he has the veto power, which, although legislative in character, affects very materially administrative matters.

Thus it is seen that the governor of Maryland has considerable control over the entire field of administration. In spite of this fact, his leadership in administration has never seemed of much effect; whether this is due to lack of energy, to lack of correlation among the departments, or to some other cause, it is difficult to say. Probably if a more direct power, or rather duty, of supervision were added to his power of appointment and removal, his office would increase in administrative importance and influence.

CHAPTER I

Public Education

Public education in any section of Maryland other than Baltimore City is under the supervision of three different boards:[1] (1) the boards of district school trustees, with supervision of district matters; (2) the county school commissioners, with jurisdiction over the counties; (3) the State Board of Education, with general supervisory powers over the State.

Elementary Education

State Board of Education.—The governor by and with the advice and consent of the Senate, if it is in session, appoints six members of the State Board of Education,[2] for terms of six years. Two terms expire every two years. At least two of these members must be of the minority party, determined by the last gubernatorial election; the governor appoints to vacancies. These six, with the governor and the state superintendent of education, constitute the State Board of Education. Principals of normal schools and of normal departments of any school or college under the control of the board whose certificates are recognized by it are ex officio members of the board, but have no vote.

The office of the board is in Annapolis. The members receive no salary, but are reimbursed for actual expenses and may employ clerical assistance. The board is charged with carrying out the public education laws of the State and with enacting by-laws for the administration of the public

[1] G. P. Bagby, Annotated Code of Maryland, art. lxxvii, sec. 1 ff. Cited as Code 1912.
[2] Ibid., sec. 5 ff.

school system, "which, when enacted and published, shall have the force of law;" they may remove or suspend for cause (that is, inefficiency or moral delinquency) any county superintendent; and they are given the power of "explaining the true intent and meaning" of the education laws and of "deciding, without expense to the parties concerned, all controversies and disputes" that arise under them, and "their decision shall be final."[3] Thus they exercise, to an extent, all three governmental powers,—legislative, executive, and judicial. They act as assistants and advisors of the various county boards, and their advice is binding. They issue circular letters from time to time, to teachers and commissioners, on topics connected with the administration of public schools. When requested by a county board, they examine candidates for the office of county examiner and issue certificates. They are ex officio trustees of state normal schools. All schools and colleges and all normal school departments receiving state aid are required to report to the board in September; and these reports, or abstracts of them, are published in an annual report which is made to the governor, and which includes a statement of the apportionment of money to the counties and Baltimore City, together with suggestions for the improvement of schools and the "advancement of public education."[4]

State Superintendent of Education.—The governor, by and with the advice and consent of the Senate, appoints for a term of four years the state superintendent of education,[5]

[3] This confers a comprehensive visitorial power upon the state board which is summary and exclusive, and where such power is sufficiently comprehensive the courts will not interfere (Wiley v. School Commissioners, 51 Md. 405; Shober v. Cochrane, 53 Md. 549). While in matters involving the proper administration of the public school system the courts will not interfere with the jurisdiction of the state board, such is not the case if the determination of purely legal questions is involved. In the latter case remedy may be had by mandamus (Duer v. Dashiell, 91 Md. 669; Underwood v. School Commissioners, 103 Md. 189). The state board has power to advise the county board, and it is the duty of the latter to act accordingly. The legislature has a right to confer upon the state board the power mentioned in this section (Underwood v. School Commissioners, 103 Md. 188).

[4] Code 1912, art. lxxvii, sec. 90 ff.

[5] Ibid., sec. 18.

and may remove him for cause, after submitting charges in writing to him and receiving the ratification of two thirds of the members of the state board. The salary of the superintendent is fixed by the board, at not over $3000 per year and travelling expenses.

The duties of the state superintendent are to examine the county boards' statements of expenditures of school funds, and to submit his judgment on them; at his discretion to endorse normal school diplomas from other States, which, when endorsed by him, are legal certificates to teach in any elementary public schools in Maryland, until revoked; to arrange dates for teachers' institutes, to assist county superintendents in the preparation of programmes for county teachers' institutes, to attend these when possible, and to give instruction; to diffuse information as to the best methods of instruction; to inform himself and the state board as to the condition of schools throughout the State; in every way "to conserve the interests and promote the efficiency of the public schools of Maryland."

County School Commissioners.[6]—In six of the counties there are six county school commissioners,[7] in the remainder, three, all of whom are appointed by the governor, by and with the advice and consent of the Senate, for various specified terms, and always with a provision for "minority party representation." The governor may remove for cause, after giving an opportunity for presenting and hearing charges, and he appoints to vacancies. The salary of each commissioner is $100 a year. The county commissioners are to receive and hold in trust all gifts for educational purposes, and to execute these trusts; the state's attorneys are charged with seeing that they are carried out. The commissioners select sites for schools and may receive donations of or may purchase sites and buildings. They may, if necessary, acquire an acre or less by write of *ad quod*

[6] Code 1912, art. lxxvii, sec. 6, sec. 22 ff.

[7] Baltimore, Carroll, Frederick, Dorchester, Washington, Montgomery.

damnum; and they issue plans for building and furnishing school-houses.[8]

Text-books, which are free to pupils, are purchased by the county boards. Since 1908 the annual appropriation for the purchase of text-books has been $150,000, distributed to the county boards pro rata to the number of pupils enrolled. The Baltimore City system is not under the supervision of the State in a direct way, as it merely reports on conditions to the state board and is otherwise independent, yet it receives its proportion of this text-book appropriation.[9]

County Superintendent.—The Board of County School Commissioners elects as county superintendent of education a non-member, who also acts as secretary and treasurer to the board. The county superintendent has general supervision and control of all schools in his county; he builds, repairs, and furnishes school-houses, and buys books; with the advice of the principal, he appoints assistant teachers. He may consolidate schools when he deems it expedient, and may provide for transportation to and from schools. In counties with more than eighty-five schools the board may appoint a clerk, and may fix his salary.

If the proportion of the state school tax and the free school fund for any county should prove inadequate, the commissioners of the county may designate a tax on assessable property in the county, to be collected under direction of the county commissioners, of not over fifteen cents on $100, unless the county commissioners approve an additional tax. The school commissioners may make or revise boundaries of school districts. A majority may remove a member, and appeal lies to the state board. Each county board must report in September to the state board, and in November must publish a financial report and send a copy of it to the state board. By act of 1912[10] the reports from the counties and from Baltimore City were made uniform.

[8] Code 1912, art. lxxvii, sec. 37 ff.
[9] Ibid., sec. 68 ff.
[10] Laws 1912, ch. 333.

An act passed in 1894[11] dealing with school sanitation provides that if the commissioners of a county or city do not fulfill their duties with regard to this matter, they may be removed by a court of competent jurisdiction on complaint of five citizens. This provision is, perhaps, not carried out, but the idea is good, considering the insanitary conditions that exist in many rural districts. Why Caroline, Kent, Dorchester, Somerset, Baltimore, Worcester, Howard, Prince George's, and Frederick Counties were excluded from the operation of the provision is unknown.

The county superintendent[12] examines certificates and certifies candidates for teaching. He gives temporary certificates which are graded "first" and "second" and are recorded. Permanent certificates (for a period of five years) are issued by him after the ability of the candidates has been tested in actual work for six months. For this purpose the "county examiner" holds regular teachers' examinations, giving notice in newspapers or otherwise.

The county superintendent, or his assistant, is required to visit schools a certain number of times, according to the number of teachers in the county; to observe and to make suggestions; when possible to attend public examinations; and to make a quarterly report to the county board. If the number of teachers in a county exceeds one hundred and seventy-five, the board may appoint an assistant superintendent, and grade supervisors may be appointed by the county boards in proportion to the number of teachers.

The county superintendent receives a salary fixed by the county board, and in his rôle as secretary-treasurer of the board his bond is also determined by it. He may debate at its meetings, but has no vote. In addition to his quarterly report to the county board, he prepares the annual county report to the state board, which he submits also to the county board.

District School Trustees.—Each district of each county

[11] Laws 1894, ch. 524.
[12] Code 1912, art. lxxvii, sec. 72 ff.

has a board of three school trustees,[13] appointed by the county school commissioners. The principal teacher, whom they appoint from those holding certificates, subject to confirmation by the county board, is ex officio secretary of the board. The school trustees have the care of the school property; provide for repairs, the cost being determined by the county board; and generally supervise their schools. They visit them frequently, and, if possible, cause instruction to be given ten months of the year. They have the power of expulsion and suspension of pupils, subject to final appeal to the county board. The trustees are removable for cause by the county board, and when competent persons for the office of trustee cannot be found, the duties in a district devolve upon the county board.

Teachers.—Every teacher[14] must hold a certificate issued by a county superintendent, or a certificate from the principal of a state normal school or from the principal of the normal department of Washington College, or a diploma from any such school, or any normal school diploma endorsed by the Maryland state superintendent of education, or a certificate from the Maryland State Board of Education. Diplomas from reputable college departments of pedagogy rank as "first grade" certificates for elementary or high school teaching, and exempt the holder from examinations. Every teacher must file with the county board a quarterly report, and is not entitled to pay until this is done. Certificates may be annulled by the county board on account of immoral conduct, subject to appeal to the state board. Persons with low grade certificates who have taught a certain length of time may be given life certificates exempting them from examination. The salaries of teachers are fixed by the county board, but a minimum is set at $300 per school year, and a gradation is made of minimum salaries according to the certificate held and the time of service. The county superintendent submits annually to the county board a list of all teachers and a classification of their cer-

[13] Code 1912, art. lxxvii, sec. 31 ff.
[14] Ibid., sec. 53 ff.

tificates, which is based on scholarship, executive ability, personality, and teaching power.

An act of 1902[15] and subsequent acts of 1904,[16] 1906,[17] 1908,[18] and 1912[19] established a system of teachers' pensions, by which a person who has taught twenty-five years, has reached the age of sixty, and has no other means of support, may receive a pension of $200 a year. The age limit may be waived by the board in extraordinary cases. For this pension the annual appropriation after 1908 was $25,000, and in 1912 it was made $28,000.

A teachers' institute is held in each county once a year, continuing for at least five days.[20] At times two or more counties combine for this purpose. District, county, and state teachers' associations must be held, and the county examiner is to aid them, encourage attendance, secure lecturers, and so on. These associations are permitted to use school-houses for their meetings. The State Teachers' Association has been in existence for some years, and has annual sessions during the summer, often at a summer resort. The work is often practical, sometimes including scientific demonstrations.

School Attendance.[21]—By acts of 1902,[22] 1906,[23] and 1908[24] provision is made for compulsory school attendance of children between eight and twelve years of age, and for attendance of children between twelve and sixteen who are not "employed to labor." School attendance is enforced by "attendance officers." The police commissioners of Baltimore City are required at each census to prepare a list of all children between six and sixteen years of age, and to submit it to the city school commissioners. Factory pro-

[15] Laws 1902, ch. 196.
[16] Laws 1904, ch. 584.
[17] Laws 1906, ch. 475½.
[18] Laws 1908, ch. 605.
[19] Laws 1912, ch. 135.
[20] Code 1912, art. lxxvii, sec. 92 ff.
[21] Ibid., sec. 153 ff.
[22] Laws 1902, ch. 269.
[23] Laws 1906, ch. 236.
[24] Laws 1908, ch. 241.

prietors in that city and in Allegany County are required to keep certificates on hand, open to inspection by attendance officers, for all children employed under sixteen years of age. Children between twelve and sixteen are not to be employed if they cannot read and write, unless they are regular attendants at some evening or other school, but such children are excused from schooling if a physician's certificate is obtained showing that attending school in addition to their daily labor will be "prejudicial to health."

In 1912[25] a new attendance law was passed, which slightly raised the age of compulsory attendance. The provisions of the compulsory attendance laws were poor enough, with their exceptions of children above fourteen who are "employed to labor;" but the law of 1912 was made farcical by a provision that it need be adopted only if the school commissioners for the county should approve it and should appoint attendance officers.

The attendance of every deaf or blind child in some school for the deaf or blind is made compulsory, unless the child is receiving instruction elsewhere or is unable to receive it. If the parents or guardians of such a child are not able to pay for transportation to and from the school, the State furnishes it.

Baltimore City.—The school organization of Baltimore City[26] is almost completely separate from the state organization. The mayor and the City Council are given full power to establish a system of free public schools,[27] including one or more schools for manual industrial training, under ordi-

[25] Laws 1912, ch. 173.

[26] Code 1912, art. lxxvii, sec. 121 ff.

[27] "The act of 1892, chapter 341, specifically prescribes the method by which county school commissioners ought to be appointed, but nowhere in this article is the method for the appointment of school commissioners in Baltimore City designated. This section gives to the city *the whole of the state's power over public schools in the city,* subject, of course, to the state's right of repeal" (Hooper v. New, 85 Md. 581; Baltimore v. Weatherby, 52 Md. 451). "This does not apply to such schools as St. Mary's Industrial School for Boys, the Maryland Institute for the Promotion of Mechanic Arts, etc., although the governor and mayor appoint directors or trustees" (St. Mary's Industrial School v. Brown, 45 Md. 383).

nances and rules which they enact. They may, by law, delegate supervisory powers and control to a board of school commissioners, and this is now done. As will be seen elsewhere in this chapter, however, reports are made to the state board, and state aid is received.

The Board of Commissioners of Public Schools of Baltimore has power to examine, appoint, and remove teachers, prescribe their qualifications, and fix their salaries, subject to the approval of the mayor and the City Council, and to select text-books. It must report annually to the State Board of Education on the condition of schools under its charge, and must include a statement of expenditures.

The mayor and the City Council are authorized to levy necessary taxes on assessable property to defray the public school expenses of the city. No limit is set by state law for this taxation.

Colored Schools.—The county school commissioners must, "if the colored population warrants," establish at least one free public school in each election district for colored youths between six and twenty years of age, and must determine the length of term.[28] The colored schools are put under the same laws and are required to furnish instruction in the same branches as the white schools, but each one is under the direction of a special board of trustees appointed by the county board. Colored schools are supported from the general school fund, and the total amount of school taxes paid by the colored people of any county or of Baltimore City, together with any donations that may be made for the purpose, is to be used for their support.

Criticism.—The general plan of control in Maryland's elementary education, with its centralization from the district trustees up through the county boards and the State Board of Education to the governor as an appointive center, is undoubtedly good. The control by the county boards of strictly county matters has been spoken of as the "most

[28] Code 1912, art. lxxvii, sec. 131 ff.

efficient and economical of all systems for rural schools in the United States."[29]

There are three needs in Maryland's administration of elementary education. First, we have seen how unsatisfactory are the present compulsory education laws. The provisions of these should be made state-wide and strictly binding. Secondly, there is inadequate supervision of the rural schools, due largely to an inadequate number of supervisory officers. This fact becomes striking when comparison is made between the Baltimore City and the rural schools. The condition has been pointed out in an educational survey of a Maryland county in which a member of the United States Bureau of Education cooperated.[30] The county superintendent should be given more assistants. Finally, there should be higher salaries and more uniform rules in regard to the training of the teachers throughout the State. With the present salaries good teachers are difficult to obtain. Most important, however, is the need of uniformity. Under the present system, by which qualifications are determined arbitrarily in each county by the county board, the teachers in one county may be college graduates and other well prepared persons, while in another county they may perhaps have only an eighth-grade education. Furthermore, appointment and dismissal of teachers are arbitrary, and politics enter into a matter that should be regulated entirely by merit. For the sake of efficiency and uniformity in elementary education, and also in justice to the teachers, a civil service system should be inaugurated.[31]

In concluding the review of elementary schooling in the State, it may be well to notice that in 1914 the Department of Education recommended an educational survey of all the counties. Such a detailed survey would undoubtedly throw

[29] Statement of a member of the Maryland Department of Education.

[30] H. N. Morse, E. F. Eastman, and A. C. Monahan, An Educational Survey of a Suburban and Rural County [Montgomery Co., Md.].

[31] These needs have been pointed out by various persons, including the governor, officials of the United States Bureau of Education, and members of the Maryland Department of Education.

great light on the entire situation and furnish a more solid foundation for the working out of the problems involved.

Secondary Education

High Schools.—High schools[32] are under the supervision of the county officers. County boards are authorized to establish high schools whenever it seems advisable, subject to the approval of the state board, or a joint high school and graded school may be established; all to be under control of the county board. High schools receiving state aid are arranged by the state board in two groups according to the number of pupils, number of teachers, and years of instruction given. In the first group four years, in the second group three years, of instruction are provided.[33]

The state board prepares the courses of study for the high schools under its supervision, and makes by-laws for their government.

It is the duty of the state superintendent, personally or through some person whom he designates, to inspect annually all high schools receiving state aid, and also all such other schools as make application through their county superintendents to receive state aid. The state superintendent prepares a list of the high schools and the amount of aid to which each is entitled, based on information obtained through annual inspections and written reports of principals and county superintendents. This list is reported to the state board for approval, and is forwarded to the treasury department.

All promotions of pupils must have the approval of the principal and of the county superintendent. A diploma from any approved four-year-course high school admits, without examination, to the freshman class of any Maryland college receiving state aid.

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[32] Code 1912, art. lxxvii, sec. 125 ff.

[33] See report on the "Educational System in Maryland" by a special committee of the Board of State Aid and Charities, 1913.

Agricultural high schools are finding a place more and more in the educational system. One at Sparks, Maryland, is regarded as one of the best of its kind in the country. The last legislature[34] made two $5000 appropriations, one for buildings for an agricultural high school at Federalsburg, and one for land for a similar institution at Ridgely, for which $15,000 had already been provided, one half by the citizens and one half by the county.

The educational committee of the Board of State Aid and Charities said of these high schools: "The marked success of twelve Agricultural High Schools is such as to make highly advisable the further encouragement of this type of secondary education. The demand for agricultural courses all over the State is very great and your committee recommends some additional aid along this line."

Industrial Schools.—Industrial schools,[35] where domestic science and industrial arts are taught, are established by the county board in connection with the colored public schools. They are annually inspected and approved by the state superintendent; and there must be sent annually by the state board to the comptroller a list of such schools, which are entitled to receive a "special appropriation for industrial education." Fifteen hundred dollars is appropriated every year for each county with such a school, one half to go to the maintenance of the school and one half to the employment of a supervisor of colored schools, who, under the direction of the county superintendent, visits colored schools and "causes instruction of an industrial character to be made a daily part of the work of every colored school." But this $1500 is not appropriated unless the average attendance for the preceding year has been thirty pupils, and unless there are ten colored schools in the county where the colored industrial school is located. If there are less than ten, one half of the amount, $750, may be appropriated. The control of colored industrial schools and the employment of the supervisor are in the hands of the county board.

[34] Laws 1912, ch. 434.
[35] Code 1912, art. lxxvii, sec. 142 ff.

County boards may, if they think it advisable, make manual training, domestic science, and agriculture a part of the course of instruction in the colored schools of the respective counties, conforming to the course prescribed by the state board. The state superintendent supervises and inspects industrial and agricultural training in the counties.

State Normal Schools.—There are two white state normal schools[36] in Maryland, one in Baltimore City and one at Frostburg.[37] They are under the control of the State Board of Education, which appoints the principals and the necessary assistants. The state board prescribes for state normal schools and normal schools receiving state aid an academic or preparatory course and qualifications of age and scholastic attainment for the pupils. In all such schools there must be a two-year normal or professional course, in which the common school branches may be studied and in which special emphasis is given to professional subjects, including history of education, school organization, methods of teaching, and other pedagogical subjects. Students satisfying the entrance requirements as to age (boys must be seventeen years and girls sixteen years old) are admitted on scholarships from a city or county school board or on appointment from the state board. These scholarships are apportioned among the counties and Baltimore City according to the population. In addition to those holding scholarships, others may enter at the discretion of the state board, on paying twenty-five dollars per session, until the capacity is reached.

These normal schools are in every way under the supervision of the state board, and the board may organize experimental schools for practical work for the state normal school students. The annual appropriation at present (1914) for the Baltimore City Normal School is $20,000 plus $1000 for repairs, and for the Frostburg Normal School $7000.

[36] Code 1912, art. lxxvii, sec. 82 ff.

[37] The normal department of Washington College will be treated in connection with that institution under the subhead "Higher Education."

In 1910 the legislature appointed a commission to investigate the establishment of a new Maryland state normal school, which the state superintendent strongly urged.[38] In 1912 there was provision for the selling of the property of the Maryland State Normal School of Baltimore, and for the purchase of new land and buildings, by a $600,000 bond issue;[39] and $25,000 was appropriated for improvements and additions to the Frostburg Normal School.[40]

There is also a state normal and industrial school (No. 3) for colored teachers, which is under the control of the state board, the salaries of the principals and assistants of which are fixed by it, and the curriculum of which is prescribed by the same body. This school was established by act of 1908,[41] was opened in September, 1911, at Jericho in Prince George's County, and receives $5000 annually out of the appropriation for the system of free public schools. The students are taught agriculture, manual training, and other industrial subjects, in addition to the academic courses, and the Department of Education "feels that this may, in a measure, at least, solve some of the problems of negro education."[42]

Other Schools.—Since 1898[43] the Charlotte Hall School has been authorized to grant a three-year state scholarship to a student from each of the legislative districts of the State, with competitive appointment by the county or city board of school commissioners. To St. Mary's Female Seminary, St. Mary's City, there is sent one "scholar" from each county and each of the four legislative districts of Baltimore, selected by the school commissioners.[44] These selections are non-competitive, and the scholar must be "worthy and charitable;" each scholarship is for three years. The same officers fill one scholarship from each

[38] Governor's Report 1912.
[39] Laws 1912, ch. 776.
[40] Ibid., ch. 178.
[41] Laws 1908, ch. 599.
[42] Governor's Report 1912.
[43] Laws 1898, ch. 321.
[44] Code 1912, art. lxxvii, sec. 178.

county and each of the four Baltimore districts in the Maryland Institute (Schools of Art and Design) in Baltimore City.[45]

From time to time the State makes numerous haphazard appropriations to private schools, all of which it would be impossible to trace here. By way of illustration it may be noticed that in 1911 the Maryland School for Boys and St. Mary's Industrial School each received $12,500 for building purposes.[46] In 1913 altogether $300,267.16 was received by special educational institutions (including colleges); by such schools other than colleges and exclusive of the school for the deaf and dumb at Frederick, a total of $58,800 was received. This was in addition to the old academic fund.[47]

Criticism.—One peculiar defect exists in the system of secondary education, one that is more directly connected with "school finance" than with any other topic and will be mentioned later in that connection. It is the existence in the State of a number of private academies which have received state aid for many decades, and which, in almost all cases, are duplicating the work of the public schools, either elementary or secondary.

On the other hand, the good condition of high schools is brought out in the following summary of secondary education in the State in the already mentioned report of the Board of State Aid and Charities: "The High School Act of 1910 is regarded by the Federal Department of Education, as one of the best on the statute books of any of our States. It has several marked advantages. The group system puts the state aid on an entirely impartial basis, and we feel that in time it will probably result in as good a High School System as there is in any State in the country."

The needs of secondary education in the State, then, may be summarized as follows: (1) elimination of unsystematic state aid to private academies; (2) greater aid to high

[45] Code 1912, art. lxxvii, sec. 182.
[46] Report of the State Board of Education for 1912.
[47] See Table J in Report of the State Board of Education for 1912.

schools and normal schools, especially the latter, and above all to colored industrial and normal education.

Higher Education

There are six colleges in Maryland which regularly receive state aid, namely, the Johns Hopkins University, the Maryland Agricultural College, St. John's College, Western Maryland College, Washington College, and Blue Ridge College. In addition to these six there are one or two other colleges which have received a certain amount of state aid, as, for example, the University of Maryland, and the old Baltimore Medical College, now consolidated with the University of Maryland. Of the six first mentioned, all give scholarships provided for by state appropriation, which are filled by the county or district school boards by means of competitive examination.

St. John's College at Annapolis is a military institution, with a commandant detailed from the United States Army; it gives mainly classical work, and had two hundred and forty-three free scholarships in 1912–13.[48] To it there is sent one state scholar from each senatorial district of the State, who, after taking a competitive examination, is appointed by the county or city school board "by and with the advice and consent of the local senator," and who is required to pledge himself to remain four years at the institution and to teach in the State for at least two years after graduation.[49] The college received $15,000 in 1913 and a like amount in 1914.[50]

Western Maryland College at Westminster is coeducational. It gives courses in classical branches, and also has a seminary to prepare students for the ministry of the Methodist Protestant Church. It is allowed two state scholars, one male and one female, from each senatorial

[48] Report of State Board of Education, Oct. 17, 1913, Table J.
[49] Code 1912, art. lxxvii, sec. 179.
[50] Seventh Biennial Report of the Board of State Aid and Charities, Table 3.

district, chosen in the same way as the state scholars to St. John's.[51] Its appropriation is now $3100 per year.[52]

Similarly, one scholar is sent from each district to Blue Ridge College, at New Windsor, a small college with a classical curriculum, which only recently began to receive state aid. In 1912 the legislature appropriated $5000 to it.[53] Its total number of free scholarships in 1912–13 was twenty-seven.[54]

Washington College at Chestertown makes a fourth state-aided college doing classical work. It also has a normal department which was established by act of 1896,[55] when the "visitors and governors" were authorized to open a teachers' department, with a course in pedagogy of not less than three years. In this department is allowed one scholarship to an "indigent female," a graduate of a public school, from each county of the Eastern Shore, the scholar being pledged to take up teaching in Maryland after graduation. This appointment is made after competitive examination by the county board. One free state scholarship is also granted to the college for a male or female student from each county of the Western Shore, in either the normal or the collegiate department.[56] By act of 1912[57] Washington College received an appropriation of $20,000 for the fiscal year 1913 and a like amount for 1914.

For several years St. John's College has been a part of the University of Maryland, in Baltimore, an institution with courses in law and medicine. The connection is little more than nominal, however, and the university is not a university in the proper use of the term, since no graduate work is given and no collegiate preparation is necessary to

[51] Code 1912, art. lxxvii, secs. 180–181.
[52] Seventh Biennial Report of the Board of State Aid and Charities, Table 3.
[53] Laws 1912, ch. 229.
[54] Report of State Board of Education, Oct. 17, 1913, Table J.
[55] Laws 1896, ch. 63.
[56] Code 1912, art. lxxvii, sec. 183 ff.
[57] Laws 1912, ch. 93.

enter the law and medicine courses. The Baltimore Medical College has only recently been consolidated with the University of Maryland. All of the above mentioned institutions occasionally receive special appropriations from the State for building purposes.

The Maryland Agricultural College.[58]—This institution is unique among Maryland colleges. It is the only one over which the State exercises any direct control and therefore is the only one which is in any sense a state college. It is the only Maryland college that confines its work largely to the natural sciences. As an agricultural institution, many agricultural activities are correlated with it, such as the Agricultural Experiment Station, farmers' institutes, animal food and fertilizer inspection and analysis, and horticultural inspection. It also offers courses in civil, electrical, and mechanical engineering. The central position of the institution in the various agricultural activities of the State will be treated in detail in a later chapter.

The Johns Hopkins University.—The character of this institution scarcely needs description, with its international reputation as a graduate school in the arts and sciences and in medicine.

There has recently been established in connection with the university a department of engineering. The legislature of 1912[59] provided for a bond issue of $600,000 and for an annual appropriation of $50,000. One hundred and twenty-nine state scholarships are offered each year. Three of these go to each of the following institutions: Loyola College, Maryland Agricultural College, Mt. St. Mary's, Rock Hill, St. John's, Washington College, and Western Maryland College. The rest are apportioned among the senatorial districts in proportion to their respective representation in the House of Delegates. These scholarships entitle the holders to free tuition, including laboratory and other fees. One of them from each county or each district of Balti-

[58] Code 1912, art. lxxvii, sec. 177 ff.
[59] Laws 1912, ch. 90.

more is known as a "full senatorial scholarship" entitling its holder to board and lodging, or $200 in lieu thereof. In this department the plan is to give undergraduate and graduate work, including professional and research degrees. An unfortunate provision of the act endowing the department is the requirement that scholars must be certified by their respective state senators. This makes the entrance of a political element possible. With this exception the organization is good.

Proposed State University.—It has recently been proposed that a state university be established in Maryland. This seems not only unnecessary, but impracticable. In the sphere of graduate work the Johns Hopkins University is all that could be needed. It is true that some of the colleges of Maryland are duplicating each other's work. But it is doubted if they could properly be consolidated, on account of their historic separation. What is needed is some central supervision of all colleges receiving state aid, which is, of course, quite different from central control.

According to the Board of State Aid and Charities, only one of the six Maryland colleges receiving state aid is graded by the Federal Bureau of Education as strictly a college. Promises have been made by this bureau soon to investigate Maryland colleges thoroughly and to grade them. This investigation will be looked forward to with interest, for some of the colleges have been raising their standards rapidly. It is undoubtedly true, however, that some of them do not take full college rank, and it seems very important that some central authority be given the standardizing of the colleges in the State, at least of those which receive state aid, and the control, through such standardization, of appropriations to colleges. Such a state authority could require the standards of a college to be sufficiently high before it might receive an appropriation. This could not be done immediately, but the standards of the colleges now receiving aid could be gradually improved.

Deaf, Dumb, and Blind[60]

The Maryland Institute for the Deaf and Dumb, at Frederick, Maryland, was established by act of 1867 (ch. 247), with a president and board of thirty visitors appointed by the governor for life. Vacancies are filled by the governor. To this institution the governor sends scholars, upon certification of local authorities, for terms of not over seven years. Two hundred dollars per year is made the maximum expense for one student. The governor must dispose of applications in the order received. When the maximum sum has been expended, no more persons can be sent to the institution until a vacancy occurs. The Maryland School for the Blind at Overlea, Maryland, though a private institution, has become, as far as its finances are concerned, practically a state institution; in it are placed for instruction such indigent blind persons of seven years and upward, inhabitants of the State and of the city or county from which they are certified, as are recommended to the governor by the county commissioners of the counties or by the judges of the orphans' court of Baltimore City.

In connection with the Maryland School for the Blind there is a school for deaf, dumb, and blind colored children, also at Overlea, Maryland. While separate from the former institution, it is a department of it.

Farmers' Institutes

By act of 1896[61] a department of farmers' institutes[62] was established with the purpose of bringing to the farmers information to enable them to avoid some of the prevalent mistakes in agriculture. Farmers' institutes are held every year in every county, and there may be an additional one in each county. They are under the control of a "director,"

[60] Code 1912, art. xxx, sec. 1 ff.
[61] Laws 1896, ch. 102.
[62] Code 1912, art. lxxvii, sec. 148 ff.

appointed by the trustees of the Maryland Agricultural College, who "must be well versed in agriculture and of practical experience," and whose salary and duties are fixed by the trustees of the college. These institutes form a department of the Agricultural College, similar to the State Agricultural Experiment Station; $6000 is appropriated annually for them, payable in October to the order of the college.

Public Libraries

For the encouragement of libraries in connection with public schools, ten dollars per year is allowed to each district if the community raises a like amount; with this are bought books chosen by the district board and the teachers from a list furnished by the state board.[63]

Maryland Public Library Commission.—There is a Maryland Public Library Commission whose jurisdiction extends to all but Baltimore County. The only apparent excuse for this exclusion is that this county is so near Baltimore City as not to need library facilities of its own. This commission is composed of four persons appointed every two years by the governor—two of whom must be women—together with the state librarian, the "superintendent of public instructors,"[64] and the librarian of the Enoch Pratt Free Library of Baltimore. It is an unpaid commission, but members receive travelling expenses for attending meetings. It elects its own president and secretary-treasurer, and reports annually to the governor. The duties of this commission are to advise persons in charge of public libraries and public school libraries in the selection of books, cataloguing, and so on, and to conduct a system of travelling libraries throughout the State. The appropriation for the work is $1500 a year, from which free libraries may be established in counties, cities, and districts, but more than $100 may not be spent for books for one library.

[63] Code 1912, art. lxxvii, sec. 99 ff.
[64] State superintendent of education.

The county commissioners of any county may establish a public library at the county seat, with branches throughout the county, and may levy a tax for its support of not over five cents on $100. A municipality may levy seven cents on $100 for a library, and a district may also do this if a majority of the voters so petition the county commissioners, in which case the library is conducted as a municipal one would be. In the establishment of these libraries the county or municipal authorities appoint nine directors for a term of six years (three every two years), who receive no compensation and may be removed for cause. They elect a president, a vice-president, a secretary, and a treasurer; make by-laws for the regulation of the library; approve the bond of the treasurer; have control of the expenditures and of the construction of buildings; have supervision of all property; may obtain new buildings and grounds; and appoint a librarian and assistants, whom they may remove and whose compensation they determine. Each such library board must report annually to the county commissioners or to the municipal legislative authority, as the case may be, and must include with the report a financial statement; a copy of this report is forwarded to the Public Library Commission.

State Library.[65]—For many years there has been a state library at Annapolis. The librarian, who is appointed by the governor, binds all the laws, journals, and documents of the General Assembly, and distributes them to certain officers of this and other States and to public libraries in Maryland. A library committee of three or more persons is appointed without compensation by the court of appeals, to establish rules and regulations for the management of the library, and to purchase books, maps, and periodicals for the library, for which the sum of $500 is annually allowed.

In its report for 1914 the State Board of Education recommended that the Public Library Commission be transferred to the office of the state librarian in Annapolis, since

[65] Code 1912, art. lv.

the work of the two offices is closely allied, and since such a transfer would make possible the use of the same clerical force for both, and thereby save administration expenses.

Educational Finance[66]

All property conveyed in any way to any particular county or school district for public education is to be held in trust by the county board; and is, together with all money invested in trust for the benefit of the public schools, exempt from all state, county, or local taxes.[67]

The state tax for education, which is levied on taxable property throughout the State annually, is received by the treasurer and apportioned by the comptroller among the counties and Baltimore City in proportion to the population between five and twenty years of age;[68] a certain amount is deducted if the schools in a county are kept open for less than nine months or if any white teacher, regularly employed, receives less than $300 a year.[69] From this fund are also taken annual appropriations for[70] the state normal schools, the colored normal school, the salary of the state superintendent, the salary of the clerk to the state superintendent, and the expenses of the state board. The sources of revenue for public education are the state school tax, the county school tax, and various special funds. In 1901 there was received and expended on public education $727,314.41, and in 1911 (ten years later) $1,493,760.60.[71] In 1913 the state levy was 16⅛ cents on each $100, which yielded $1,625,208.88, the county levy amounted to $2,846,176.18, and the total received from all sources was $4,494,195.76.[72]

Although school revenues have greatly increased within the last few years, it may be said that more money is needed,

[66] See reports of the board for recent statistical details.
[67] Code 1912, art. lxxvii, secs. 175, 176.
[68] Ibid., art. lxxvii, sec. 135 ff.
[69] For Garrett County, 7½ months and $200.
[70] Code 1912, art. lxxvii, sec. 139.
[71] Governor's Report 1912.
[72] Report of State Board of Education for 1913, Table C.

especially for better salaries for teachers. Certain needs and principles in Maryland school finance may be enumerated briefly.[73] A great deal of the money for the support of the school system is obtained from the above mentioned school tax. It has been suggested that this be raised to twenty cents. "A comparative study of Public School Systems in the forty-eight States by the Russell Sage Foundation, gives Maryland a rank of forty-six in the ratio of amount spent for school purposes to wealth, the same being but twenty-one cents for each one hundred dollars of wealth. The same report ranks Maryland thirty-eighth in the amount of thirteen cents per day per child."[74]

In addition to support by taxation, there are, as we have seen, a number of funds in the treasury set aside for special educational purposes. The difficulties here are that some parts of the system receive support from the general fund which should receive special appropriation, if any, and that on the other hand some of these special funds support institutions not worthy of support. Most notable of these is the "academic fund," an historic fund which gives aid to private secondary institutions which have outgrown their usefulness. These old private academies should be transformed into high schools with uniformly high standards or should go out of existence.

As for the distribution of school funds throughout the counties, the present system, based on the proportionate county population between five and twenty years of age, is fairly good. It is certainly better than the very inequitable plan followed in some other States, which is based on the proportion of assessed wealth. It enables the richer portions of the State to help the poorer. The ideal plan for such distribution, however, as laid down by a special committee of the Board of State Aid and Charities, is one based

[73] Most of these recommendations are fully discussed in a report on the Maryland educational system, made by a special committee of the Board of State Aid and Charities in 1913, and many of them are also mentioned in the last report of the Department of Education.

[74] See above report of the committee of the Board of State Aid and Charities.

on a combination of two principles, namely, the proportion of aggregate days of attendance, and the proportionate number of teachers actually employed.

Concerning the support of colleges by the State, two changes of policy have been suggested. It is recommended, first, that support be withdrawn from colleges that do not measure up to a required standard, and possibly from those that duplicate each others' work, and second, that colleges be refused support to carry on preparatory work that is already being done by recognized secondary institutions. These methods would be very potent in bringing Maryland colleges up to high standards, and they are strongly urged by the Board of State Aid and Charities. While inherently sound, they are, as recommended, probably too drastic. The transformation of higher educational institutions cannot be instantaneous. They should be required gradually to improve.

The following general principles, based mainly on recommendations from the federal commissioner of education, are laid down by the special educational committee of the Board of State Aid and Charities already mentioned: (1) Expenses of administration should be taken out of the school tax, and other expenses should be provided out of the general treasury. The cost of maintenance of the state normal schools and the appropriations to secondary schools and institutions of higher learning should be provided for from the general treasury. (2) Appropriation should be made only to institutions over which the State through its regular educational officers, or through boards of its own appointment, can exercise a direct control. (3) A common basis should be established for all institutions of one kind, and for all political units of one kind, for example, counties. (4) Duplication of appropriations by special act, and continuing appropriations for scholarships, and so on, should be eliminated.

Summary

The needs of public educational administration in Maryland may be recapitulated as follows: (1) Elementary education: (a) a certain amount of consolidation; (b) greater supervision, especially in the rural districts; (c) a systematic civil service for teachers, which will insure much higher salaries, salaries according to efficiency, and appointment and tenure according to merit; (d) to secure all this needed standardization, a vesting of authority to make it effective in the state board; and a corresponding divesting of local boards of loose discretionary powers. This is owed to the State, to the pupil, and perhaps above all to the teacher; (e) a comprehensive, compulsory attendance law, with proper machinery and power for its enforcement; (f) an educational survey of all the counties.

(2) In general, secondary education in the State is well organized. The needs are: (a) abolishment of state aid to the old private academies which duplicate the work of state schools; (b) more concentration in industrial and especially in normal school work in order to prepare the trained teachers that are so greatly needed, particularly in the education of the colored race.

(3) Higher education: the establishment of a central authority with power to supervise though not control all colleges receiving state aid, so that such colleges may receive aid in proper proportion, and may be made to bring their standards up to full collegiate requirement. This central authority might be the State Board of Education or a separate board, preferably the former. Great care should be taken that it be kept free from political influence; it should be composed of highly educated and independent men. This plan should take the place of the inadvisable one of establishing a state university.

(4) Finance: (a) an imposing of sufficient tax rates; (b) an abolition of the special and useless appropriations

which we have already noted in secondary education; (c) an equitable distribution of state money among political units and institutions which may be supervised by state educational officers, and which measure up to set standards. This need is manifest mainly in secondary and higher education.

CHAPTER II

Public Health

The governmental organ whose functions are most directly concerned with public health in the State is the State Board of Health. There are, however, a number of other branches in which public health is the ultimate object, which will be first considered.

Licensing Boards

There are certain licensing boards for various professions and trades in the State. All of these boards, except those of medicine and surgery, have members appointed by the governor. These boards examine applicants for the specified professions, according to methods laid down by state laws; charge certain small fees; issue licenses; and have the power of revoking licenses for certain causes, after a public hearing has been given.

The development of licensing boards for various professions is interesting. The right of the State to such control is one exercised only in modern times. The first laws in Maryland affecting the control of the practice of medicine and surgery appeared shortly after 1880. In this branch, also, it may be noted that the profession is given direct control over its own members. Two boards, one of allopathy and one of homeopathy, are chosen by the Maryland State Medical and Chirurgical Faculty and the State Homeopathic Society respectively. Each board examines applicants of its own school of practice.

The other boards are chosen by the governor, but usually from lists furnished by the profession. The establishment of control over dentistry dates from the same period as that

over medicine. Strangely enough, the veterinary board next came into existence, in 1894. Pharmacy followed in 1902, and in 1904 the board of examiners for nurses was provided.

Vaccination[1]

There is a state vaccine agency in Baltimore City which has existed for many years.[2] The governor, with the advice and consent of the Senate, appoints a state vaccine agent (a physician) for six years, who furnishes physicians in the State with good virus gratuitously, keeps a record of such dispensing, and advertises the subject in the newspapers at certain intervals. He reports annually to the governor.

When a child is vaccinated and its parents or guardians are too poor to pay, the county commissioners, or the mayor and the City Council, may be required to bear the expense, but the county or city authorities may make a contract with a physician to vaccinate all who apply. It is the duty of every physician to vaccinate all children presented to him for vaccination within a year after birth, and all persons who apply to him who are not already effectually vaccinated. Vaccination is, by law, compulsory in the public schools.

State Department of Health[3]

We now turn to that branch of Maryland administration which deals most directly with the health of the public, largely through sanitation.

The State Board of Health of Maryland, the sixth oldest state board in the Union, was created by legislative enactment in January, 1874, and organized May 6th of the same year. . . . It early devoted its attention to the investigation of the causes of diseases and their suppression, and to the registration of births and deaths. The urgent need of a chemist soon became manifest, and provision was made for the employment of such an official as early as 1887. Ten years later the equipment of a bacteriological laboratory was recommended, and the work was begun in June of the following year.

[1] Code 1912, art. xliii, sec. 53 ff.
[2] Laws 1864, ch. 269, sec. 1 ff.
[3] Code 1912, art. xliii, sec. 1 ff.

In 1910 the work of the Board was organized into bureaus, systematizing its performance and enlarging its sphere of usefulness.[4]

The official title of this body is the State Department of Health. It is composed of seven members, including one experienced engineer and three experienced physicians, appointed, two every two years, by the governor with the consent of the Senate; there is also a secretary. The attorney-general of the State and the commissioner of health of Baltimore City are ex officio members.

Control by the board extends over the counties, and it cooperates with the Public Health Department of Baltimore City. In general, the work of the State Department of Health, as set forth by the law, is as follows:[5] "The State Board of Health shall have general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease and especially epidemics, the causes of mortality and the influence of locality, employments, habits, and other circumstances and conditions upon the health of the people; they shall inquire into . . . all nuisances affecting the public health," and they are authorized to apply to circuit court judges for injunctions to restrain nuisances.

The board is also authorized to organize throughout the State local boards or advisory committees which are to report quarterly to it on sanitary conditions in the State. The board may send a committee or its secretary to investigate any unusual sickness or mortality, and in case of an epidemic the board is to have all necessary sanitary measures taken. In such cases of epidemic it may, with the approval of the governor, obtain from the comptroller not over $10,000 from any unappropriated money in the treasury for the carrying out of these sanitary measures.

The Secretary.—The board elects a secretary, who is the chief executive officer and who has direct charge of public health administration in the State. He must be an "edu-

[4] C. W. G. Rohrer, "The State Board of Health of Maryland" (printed as a pamphlet).

[5] Code 1912, art. xliii, sec. 3 ff.

cated physician" and experienced in sanitation; he may be chosen by the board from its own number, in which case the governor is to appoint another member to take his place on the board.

The secretary's duties are to keep a record of all transactions of the board and an account of its expenditures; to correspond with boards of health in other States and with local boards and health offices in Maryland, to secure an interchange of information in regard to sanitation, and to keep such correspondence on file; to prepare blank forms and send them to local boards for reports; at the request of local boards to visit local districts; from time to time and when directed by the governor or legislature, to make special inspection of hospitals, asylums, prisons, etc.; at every session of the legislature to submit to it through the board a report on his investigations, with recommendations; when requested by the governor or other proper authorities, to advise as to the location, drainage, water supply, excrement disposal, heating, and ventilation of any public institution or building in the State; to collect vital statistics and statistics of disease and hygiene in the State, and through an annual report, or otherwise as the board may direct, to disseminate information among the people.

The board may call public conferences of health officers, or may send delegates to any local, state, or national conference of health officers. It may, in case of danger of epidemic, take any action it sees fit, adopting regulations the violation of which constitutes a misdemeanor.

Before 1910 the secretary acted also as registrar of vital statistics. These statistics he was to tabulate and send annually to the governor, the state librarian, the members of the General Assembly, other state boards of health, local registrars of vital statistics, and elsewhere at his discretion. The local health officers were local registrars of vital statistics (except where these were already provided for by charter or ordinance), and they might, with the consent of the State Board of Health, appoint subregistrars to collect

all facts connected with births (parents of baby, nationality, attending physician, etc.) and deaths (cause, physician, etc.); and these facts were to be forwarded once a month or oftener. Since 1910 this work has been supervised by a bureau.

In 1910 the work of the State Department of Health was organized into bureaus, five in number, as follows: Communicable Diseases, Bacteriology, Chemistry, Sanitary Engineering, and Vital Statistics. The secretary appoints with the consent of the board "men of technical ability" as chiefs of these bureaus, at $1500 to $2400 (at the discretion of the board), and assistant chiefs at $1000 to $1800. These men are removable by him with the consent of a majority of the board.

Bureau of Vital Statistics.—The secretary of the board is known as "state registrar of vital statistics." As we have seen, the Bureau of Vital Statistics is headed by a chief of technical training. Until recently the registrars of statistics throughout the State were insufficiently controlled by the State Department of Health. In 1912[6] this condition was greatly improved by further legislation. The system as it now stands is as follows: County health officers are ex officio county registrars of vital statistics, and health officers of towns and cities are ex officio local registrars, except in cases of incorporated cities or towns where, by charter or ordinance, the method of appointment of a local registrar of vital statistics is specifically designated.

Each election district, city, and incorporated town constitutes a registration district, although the state registrar may combine two or more districts in any county into one registration district if the total population of the resulting district does not exceed 100,000. Each county registrar, with the advice and consent of the local board of health, appoints a local registrar in each district, who holds office during the term of office of the registrar who appoints him, receives death certificates and issues burial permits upon

[6] Laws 1912, ch. 696.

them, receives birth certificates, and performs such other services as the local board of health directs. He may also receive special orders from the state registrar; for instance, the regular period for making returns is monthly, but "in the event of unusual sickness or mortality or for the purpose of legal, legislative, or other inquiry, the State Registrar may require from any local registrar returns at shorter intervals." In a number of instances the county registrar also acts as local registrar of the district in which he resides.[7]

The state registrar authorizes the local registrars to appoint as many deputy local registrars as he deems necessary. Registrars throughout the State receive certain fees, ranging from twenty-five cents downward for each registration of a birth or death. If any county, local, or deputy local registrar refuses or neglects to execute his duties, the state registrar may, with the advice and consent of the State Board of Health, require him to vacate his office and may make a new appointment to fill the vacancy. This has been done in a number of instances. Subordinate registrars make reports to the state registrar, and also to their immediate superiors, who, in turn, report to the State Department of Health, that is, to the Bureau of Vital Statistics. This provides a system of checks by which information can be verified. Notice of births and deaths must be given by physicians or mid-wives in attendance, householders and parents and nearest kin, those in charge of ships and houses of charity or correction, and coroners. These vital statistics are collected by the Bureau of Vital Statistics of the State Department of Health, and are tabulated and published.

Bureau of Communicable Diseases.[8]—The purposes of this bureau are to secure "accurate and complete" returns of communicable diseases in Maryland; to examine into the prevalence and causes of such diseases and to devise means for their control; and to examine into and investigate epidemics and nuisances and to devise means for their sup-

[7] From statement by member of the State Department of Health.
[8] Laws 1910, ch. 560, sec. 21B.

pression. The principal work of the bureau may be said to be cooperating with the local health officers in controlling the small outbreaks of disease which so commonly occur. The bureau sends to the locality in which such an outbreak occurs deputies or health department inspectors, who advise and aid the local officers in sanitation and disinfection. The locality pays the cost of the measures taken, as, for instance, the materials for disinfection.

Bureau of Bacteriology.—This bureau[9] is directed to inquire into the nature, source, and vehicles of infectious diseases; to establish a laboratory; and to examine into and analyze public and private water supplies, milk, and foods. Its services are free to all local boards of health, to practising physicians in the State, and to the state vaccine agent (for testing vaccine virus). Its work, like that of the Chemical Bureau, is not administrative in character, but ancillary to the other branches of public health work.

The bacteriological laboratory is maintained jointly with Baltimore City. The bacteriologist of the State Board of Health is also the city bacteriologist. The cost of maintaining the laboratory under this arrangement is less than $3000 a year.[10]

Bureau of Chemistry.[11]—The functions of this subdivision are defined as follows: to establish a chemical laboratory; to inquire into the "nature, source, and vehicles of infectious disease;" to inquire into the "nature of sewage, tradewastes, and nuisances;" and to analyze, free of cost, public and private water supplies, milk and foods, drinks, confectionery, drugs, spices, condiments, and so on.

Bureau of Sanitary Engineering.—The work here includes examination of water supplies and sources, public and private; patrol of watersheds and catchment basins of public water systems; examination of public and private systems of sewage and tradewastes disposal, of offensive trades and nuisances, and of ventilation, heating, and lighting of jails,

[9] Laws 1910, ch. 560, sec. 21C.
[10] Report of State Board of Health, 1910.
[11] Laws 1910, ch. 560, sec. 21D.

asylums, and other public institutions; and the making of sanitary surveys of cities and towns.

This bureau was provided for in 1910,[12] but on account of an insufficiency of funds was not established until 1912. It is headed by an engineer. Thus engineering is brought to the aid of medicine, a rather new and rare occurrence in state health departments. The work of this bureau is just getting under way, and it suffers from the same lack of power of enforcement and control of local officers that has existed to a greater or less extent in other branches of the state health work. For instance, many things are done, either privately or by local governments, in connection with water and sewerage systems, with total disregard of the health department. But that the courts are coming to its support is shown in the recent Jones Falls Valley Sewerage Plant case.

Local Boards and General Health Provisions

The local boards of health[13] are chosen locally. Each board of county commissioners is the board of health for the county. It is required to appoint (with power of removal) a good physician to be county health officer and secretary and executive officer.[14] Of course, any town which chooses to do so may establish a subsidiary health department. The county boards have powers in the locality similar to the general state powers of the state board. The law provides that local health officers shall receive compensation based upon proportionate population, but their fees and charges are regulated by the local board; and poor compensation is one of the factors in local inefficiency in public health work.

The local board takes cognizance of all unhealthy conditions, such as pig-pens and drains, within its jurisdiction,

[12] Laws 1910, ch. 560, sec. 21E.
[13] Code 1912, art. xliii, sec. 33 ff.
[14] It has already been mentioned that Baltimore City has a separate and independent health department.

and receives complaints from qualified medical practitioners, or two or more persons affected, of public nuisances or insanitary conditions. For some incomprehensible reason Baltimore County is excluded from this provision.[15]

The local secretary makes an annual report to the state secretary of all proceedings of the local board and of such information as may be valuable for the biennial report of the state board. The looseness with which this duty is performed illustrates one of the weakest points in the Maryland system.

Infectious Diseases

The control of infectious diseases[16] is part of the work of the health officers of the State, the central and local boards cooperating in it. On certification of a medical practitioner of cases of infectious disease, the local health authorities or justice of the peace may order a house and its contents cleansed and disinfected. If the owners or occupants fail to do this, they are liable to fine, and the officer may have the house disinfected and recover the expense from its occupants, unless they are paupers, in which case the city, town, or county pays. A health officer or justice of the peace may order disinfected or destroyed any bedding, clothing, or other articles which have been exposed to infection. Any person with a dangerous infectious disease who has no proper place to stay may be sent to a hospital by order of a health officer or justice of the peace at the expense of the town or county. A person with an infectious disease must not go about, and articles liable to have been infected must not be exposed publicly without proper preliminary disinfection; children infected with dangerous diseases must not knowingly be permitted to enter other homes, theatres, churches, and so on. Owners of public conveyances are required to disinfect them, in a

[15] Code 1912, art. xliii, sec. 37.
[16] Ibid., sec. 41 ff.

manner approved by a health officer, after an infected person or body has been in them; they are allowed to charge sufficient for the transportation to cover the cost of such disinfection. Houses and rooms in which an infected person has been living must not be offered for rent without proper disinfection under the approval and certificate of a qualified medical practitioner; nor, in showing for let such houses or rooms, may the infection be denied, upon questioning, unless the infected person had moved out at least six weeks before.

A health officer or a justice of the peace may order a body buried if it is being kept so as to endanger the public health; if relatives or friends fail to bury, the city, town, or county is to do so at its own expense. Permits must be obtained from local health officers for all interments and disinterments, regardless of infection.[17]

Municipal and county authorities may provide hospitals or temporary places of reception for the sick, or the authorities of two or more counties or communities may combine and provide a common hospital. Patients in such institutions are liable for charges within twelve months after their discharge, unless they are paupers. On account of the liability to infection of beds and mattresses stuffed with cast-off clothing, and the like, all such furnishings are required to be labelled, telling what is contained in them.

The local board of health must be notified of all cases of dangerous, contagious diseases by the householders and by the physicians who know of such cases. The board is to keep a detailed record of all such cases, and to give notice of them to the local school board. It must also notify the State Department of Health, within twenty-four hours.[18]

Every death from dangerous, infectious disease must be reported by the physician or householder, with all details of age, sex, disease, and so on. Hotel and boarding-house keepers and managers of institutions must report all cases of

[17] Code 1912, art. xliii, sec. 12.
[18] Ibid., sec. 63 ff.

infectious diseases on their premises to the local health officer or the state secretary, who is to take necessary measures. In the absence of a local board, the state board makes regulations concerning nuisances and sources of contagion. The state board may make any necessary regulations respecting articles capable of conveying infection; in such cases, as in cases of similar action by a local board, persons sustaining damages thereby may receive compensation from the state, county, or municipal authorities, as the case may be.

In general it may be stated that in the absence of a local board, the state board acts, and may direct the state's attorney to prosecute offenders.[19] A law of 1912 prohibits the use of common public drinking cups in the State.[20] In the same year it was provided that physicians must report to the health department "employment" diseases and illnesses, with the name of the patient, the place of employment, and so on.[21] But no express provision is made for the investigation of such cases by the health department.

Tuberculosis.—The control of this disease[22] is especially placed in the hands of the public health authorities, state and local. The state board keeps a register of all persons with tuberculosis in the State. Every person in charge of any state institution, such as a school, hospital, or jail, must report within forty-eight hours every case of tuberculosis discovered, with all details of the case. All physicians also are required to report all cases of tuberculosis coming to their knowledge. Any dwelling after occupation by a tubercular patient must be disinfected by the local board; and any person knowing of the vacating of such a dwelling is required to give notice to the board; apartments must not be relet until after such disinfection. Tubercular patients are prohibited from spitting in houses occupied by others, and complaints of this may be made to a health officer.

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[19] Code 1912, art. xliii, sec. 97 ff.
[20] Laws 1912, ch. 156.
[21] Ibid., ch. 165.
[22] Code 1912, art. xliii, sec. 84 ff.

The attending physician in a case of tuberculosis is to take measures for the safety of persons occupying the same house. If he fails to do so, the duty devolves upon the local board of health, which in all events cooperates with him and gives orders to him. The physician is furnished with directions concerning precautions to be taken in tuberculosis, and directions also to be given to the patient; he is also furnished with a list of prophylactic supplies to be had free of cost from the local board and his requisition for these is honored by the local board. If the physician carries out the orders properly, he receives a fee of one dollar and a half a case. For such measures an annual sum of $5000 was appropriated until 1912, when this was made $10,000,[23] to be drawn upon by the state board for the use of the local boards. The state board supplies the local boards with the literature and the medical supplies mentioned above.

Midwifery[24]

By law of 1898[25] "every midwife, obstetrical nurse, or other person, not a legally qualified physician, attending for pay or hire, upon a lying-in woman, or woman in childbed," was merely required to "send his or her name and address to be registered in the office of the registrar of vital statistics for the city, town, or county" in which he or she resided; and in case the patient had fever, the midwife was to notify the local health officer and refrain from attendance upon any other woman until granted permission by the health officer to resume practice.

In 1910 a law was passed[26] more strictly regulating the practice of midwifery, and this regulation, unlike that of other professions concerned with the public health (such as medicine, with its special licensing board), is placed in the hands of the public health department. Examinations for the profession are now required.

[23] Laws 1912, ch. 512.
[24] Code 1912, art. xliii, sec. 68 ff.
[25] Ch. 436, sec. 34F.
[26] Laws 1910, ch. 722, sec. 55A ff.

Pure Food and Drugs

In 1890,[27] 1902,[28] and 1904[29] pure food and drugs laws were enacted. In 1910[30] they were greatly added to and improved by provisions modelled to a large extent on the United States pure food and drugs laws. These final provisions went into full force January 1, 1911. Their enforcement constitutes another branch of the work of the State Health Department. Their substance is as follows: The sale of any corrupted, adulterated, or unwholesome food or drink is prohibited. The State Board of Health is authorized to investigate such articles, make chemical analyses, forbid their sale, or cause them to be destroyed; its inspectors are authorized to inspect food at all times. It is the duty of the state prosecuting attorney to attend to the prosecution of all complaints concerning unwholesome food and drink. Twenty-five thousand dollars is annually appropriated for the inspection and analysis of such articles by the State Board of Health. There are special provisions regarding beer, meat, vinegar, and so on, and for the execution of some of these provisions additional sums are appropriated.

State Food and Drugs Commissioner.—This official was provided for in 1910, to be appointed by the State Board of Health, and to receive $2500 per annum. For the salary of the commissioner and the expenses of his office and payment of his employes, $15,000 is annually appropriated, to be paid on the authorization of the State Board of Health. The duty of the commissioner is to administer the food and drugs laws under the direction of the board. As far as is practicable the rules and regulations adopted by the health board for the carrying out of the food and drugs laws are to be the same as the rules and regulations adopted by the federal government for the execution of the United

[27] Laws 1890, ch. 604, sec. 52 ff.
[28] Laws 1902, ch. 606, secs. 81A, 55A.
[29] Laws 1904, ch. 378, sec. 81B; ch. 653, sec. 51A ff.
[30] Laws 1910, ch. 156, secs. 140–A to 140–O inclusive.

States Food and Drugs Act of January 30, 1906. The board is to send copies of these state laws to manufacturers, wholesalers, and retailers of Maryland.

Adulteration, imitation, misbranding, and wrong or insufficient labelling of drugs and food, including water, drinks, confectionery, and condiments, are prohibited. The drugs standards are based on the United States Pharmacopoeia. In case an article has not been so standardized, the standards adopted by the United States Department of Agriculture are used. The quantity of certain dangerous drugs, like opium, contained in an article must be printed on the label. A special Maryland standard is set for ice cream. No dealer, however, may be prosecuted if he can show a guaranty of the goods issued by a Maryland wholesaler from whom he obtained the goods. When, after examination and analysis of an article in the laboratories of the State Board of Health, under the supervision of the food and drugs commissioner, it is found to be adulterated or misbranded, notification and hearing is given, and then, if it is necessary, prosecution is begun by the state's attorney.

The operations of this department began in September, 1910. By the end of 1911, 4136 villages, towns, and cities had been visited; inspectors had covered 9411 factories, canneries, and stores; 140 lots of food and 50 lots of drugs had been condemned and destroyed because unfit for use; and 2300 samples of food and drugs had been purchased and sent to the laboratories for analysis and reports of the analyses had been made.[31] This shows the activity of a branch of the public health work on the importance and value of which no comment is needed.

Criticism

The Maryland State Board of Health is excellently organized and is doing good work. Its president is one of the best known medical scientists in the country. It ex-

[31] Report 1912.

hibits, however, a deficiency similar to that which is found in other branches of the State's administration, that is, local inefficiency, disintegration, and lack of central power. This is evidenced in the performance of their duties by the local boards of health and the local secretaries. In the report of January 10, 1912, the state secretary says: "There is . . . I am glad to note, a growing tendency to reappoint efficient and capable men, irrespective of personal or political considerations, and I believe there is a strong sentiment, not only among the medical profession who should be leaders in a movement of this kind, but among the general public, to remove the office from the influence of political consideration, so far as it is now possible to do so." However, in the same report he says:

> During 1909 there were twenty-three county health officers in Maryland, and also health officers in eighteen incorporated towns. All local health officers are secretaries of local boards of health, with the exception of the Commissioner of Health of Baltimore City. Both the county and town health officers are, as a class, very greatly underpaid, their salaries ranging from $150 up to $1,000. The highest paid local health officer is the Health Officer of Baltimore County, who receives a salary of $1,000 per annum, and is also allowed an office and a clerk. The pay is, of course, wholly insufficient to enable these officers to live, and they are practically all dependent upon their private practice.
>
> The efficiency of sanitary administration must evidently be greatly dependent upon the character of work done by local boards of health, and it is perfectly evident that these local boards can not operate without sufficient health officers, and it is manifestly impossible to secure efficient service for the miserable pay given by the average county or town. Some of these officers, however, have given very valuable service to the State, even under the most adverse conditions. The low scale of compensation is probably the most serious obstacle to efficiency in local administration, but another obstacle of almost equal importance is frequent rotation in office on account of political changes. Under the existing conditions in this State, the local health officers take up the duties of their office wholly untrained, and those who are most capable become sufficiently familiar with their work about the end of their two years' term to be of real value to their communities, and it frequently happens that just about the time when a local health officer has reached the stage when he has become a good public servant, capable of making a record in public health work, some political change throws him out of office and all of his training and experience is lost to the public.
>
> Irrespective of other considerations, I believe it very desirable to increase the term of health officers to a period of six years or

longer and provide a salary commensurate with the importance of the work.

While not mandatory under our statutes and not as a rule required by the various town charters, city and town health officers have been requested to furnish reports. . . . Reports were furnished by the health officers of seven towns and eleven town health officers furnished no reports.

Under the provisions of Section 28, of Article 43, of the Code of Public General Laws of Maryland, county health officers are required to report to the Secretary of the State Board of Health annually upon the sanitary conditions of their counties and upon the administration of their office. . . . It will be noted that thirteen of the twenty-three health officers did not furnish reports as required by law.

Considerable difficulty was experienced with St. Mary's County during 1909 in compelling the County Commissioners to execute the mandatory provisions of . . . Chapter 413[32] of the Acts of the General Assembly of 1904, requiring the disinfection of premises vacated by the death or removal of tuberculosis occupants and it became necessary to threaten mandamus proceedings against the county in order to compel it to comply with the law. A similar difficulty in Allegany County was promptly adjusted by the County Commissioners.

The same trouble has existed with the local registrars of vital statistics, but now is almost completely remedied by the provisions of the law of 1912, which we have already noted. The new and important work of the Bureau of Sanitary Engineering is also hampered by difficulties with localities.[33] The remedy for the lack of control of local health officers is, of course, to make all health officers state officials in the fullest sense of the term, subject to the orders of their superiors.

There may also be suggested as desirable a closer correlation of the various branches of state work concerned with the public health. The examining boards for the various professions are perhaps best constituted as they are, independent and composed of members who come from those professions. There might be a closer connection between the department of health, one of whose functions is to prevent tuberculosis, and the Maryland Tuberculosis Sanatorium, whose purpose is to cure it. By such correlation,

[32] Sec. 34J.

[33] For an illustration of this see the controversy arising out of the purchase of the Jones Falls Valley sewerage plant by the commissioners of Baltimore County.

a saving in expense in administration would be effected and divided efforts would be united and made more harmonious and efficient.

U. S. Health Department Review

Since the writing of this chapter, the federal government has made a report on the Maryland health service. This review, which was made public in Washington on January 29, 1914, is the result of an investigation of Maryland public health administration by the federal Public Health Service, and is the first of a series of such studies. "The work was begun last July and continued without interruption until now. The work of the state board was carefully investigated in Baltimore and in every county." The report is embodied in a pamphlet of nearly one hundred pages, including many tables. Surgeon Fox finds much to praise, and praises unstintingly where praise is deserved. He finds, on the other hand, some features of the work that might be improved, and some faults to be remedied. The results of his investigation are embodied in a series of recommendations.

Sanitary Districts.—These recommendations include the division of the State into ten sanitary districts, with a physician in charge of each district, who shall be given an office and an adequate number of assistants, including inspectors, nurses and a clerk. This physician shall be paid by the State and shall not practice medicine or engage in any private business. His duties shall include supervision of the work of all county, city, or town health officials, the enforcement of the law regarding the notification of cases of disease; inspection of dairies, canneries, and all places of business or manufacture within his jurisdiction; the inspection of county schools and school children; the investigation of nuisances and the abatement of the same; investigation of cases of sickness and institution of measures for the control of disease; the enforcement of the vaccination act; the keeping of complete records of transactions and forwarding all necessary reports to the State Department of Health; the delivery of public lectures throughout his district; the collection of samples for analysis; the enforcement of the laws relating to the registration of births and deaths; and the performance of all other duties that may be required of him by the state department of health.

Water and Sewerage.—Another recommendation is that a comprehensive law be enacted making it compulsory on the part of all persons interested to have plans for proposed installations of water supplies, sewerage or refuse-disposal systems approved by the State

Department of Health; that the State Department of Health be empowered to require any changes or extensions in already existing installations that may be necessary to insure pure water supplies or proper sewerage or refuse-disposal systems, or to order the installation of new water supply and sewerage or refuse-disposal systems in the absence of same, and giving the State Department of Health the power to close or to prevent the use of water from any well, spring, etc., that, in its opinion, is dangerous to health, or to require the filling or draining of places where there is any accumulation of stagnant water, breeding of mosquitoes or other nuisance.

That the State be divided into at least four districts, in each of which shall be placed a representative of the State Department, to be known as district engineer, and to come under the supervision of the Bureau of Sanitary Engineering, and to be a graduate engineer or sanitary engineer.

An appropriation of at least $50,000 is recommended for this reorganization and not less than $15,000 for the Bureau of Sanitary Engineering.

New Laws Proposed.—Other recommendations are: that a statewide campaign be carried on against typhoid fever; that investigative studies be carried on in the state relative to pellagra, trachoma, hookworm, infantile morbidity and mortality, and malaria; that the vaccine agency be abolished and its functions given to the Department of Health, and the Vaccination Act be amended so as to make it stronger and modern; that laws be enacted providing for the maintenance of sanitation of factories, canneries, stables, hotels, restaurants, etc.; that the maintenance of the sanitation of dairies and the control of milk supplies be taken out of the hands of the State Live Stock Sanitary Board and placed in the hands of the State Department of Health, and that more adequate laws and regulations be made to cover the subject; that a law be enacted requiring the reporting of all marriages and divorces to the State Department of Health; that a system of school inspections be inaugurated and carried on throughout the State.

Since the study of the Department of Health was begun certain of the matters recommended in this report have already been acted upon by the state board. Bills have been prepared for introduction into the legislature relating to an increase in the secretary's salary, the maintenance of sanitation in all places where food products are manufactured or sold, the formation of an adequate, distinct field force, and a comprehensive control of water supplies and sewerage systems. In addition, the board has decided on a standard working day of seven hours, a new birth certificate has been adopted, and the City of Baltimore is now sending its daily morbidity report sheets to the State Department of Health every seven days.[34]

On February 10, 1914, a bill was introduced in the State Senate which proposed to divide the State into the ten recommended sanitary districts, and incidentally to increase the salary of the state secretary $500; and the prospects of improved public health legislation for Maryland seem somewhat favorable.

[34] Baltimore American, January 29, 1914.

CHAPTER III

Charities and Corrections

In this chapter[1] will be treated three branches of administration, all of them closely similar, yet all of them distinct: charities, including hospitals; care of the insane; and corrections, including the Penitentiary, the House of Correction, and various reformatories.

Charities

There is no uniform or centralized system of charities in the State. Assistance is given to benevolent institutions in a haphazard, irregular way, although a Board of State Aid and Charities with incomplete powers has a limited supervision of these institutions.

Almshouses and Trustees of the Poor.—There are almshouses and trustees of the poor[2] in every county and in Baltimore City which come under state law. In 1906 the name of these "institutions for the care and custody of the indigent poor" was changed to "county homes." The trustees of the poor are county (or city) officers. It is unlawful for them to retain in a county home for a period longer than ninety days any child between three and sixteen years of age, unless such child is an unteachable idiot or is otherwise incapacitated for labor or service. Such

[1] It should be noted that to some extent in this chapter references, especially those concerning correctional institutions, are made to the Code of Public General Laws of 1904 (Poe's Code) on account of the fact that the Code of 1912 is divided into "Civil" and "Criminal" and the Criminal Code is not yet published. The author was informed by Mr. William H. Davenport, who is secretary of the Board of State Aid and Charities, that this method is justifiable for the reason that the organization of institutions like the Penitentiary and the House of Correction has not been changed materially since 1904.

[2] Code 1912, art. iv, sec. 1 ff.

children are to be placed in respectable families or in educational institutions or homes for children. It is the duty of the trustees of the poor, personally or through some appointed person, to visit children so placed at least every six months, and to make inquiry into their treatment and welfare.

Board of State Aid and Charities.—A Board of State Aid and Charities was instituted in 1900.[3] It is an unpaid board, composed of seven members, appointed for terms of two years, by the governor; at least two of them must be from the counties, and not more than four of them may be reappointed. They appoint a salaried secretary. The board is given the power of investigating the condition and management of all public or other charitable institutions receiving state aid. It reports to and makes recommendations to the General Assembly. The secretary conducts the actual work of investigation and is subject to orders from the Senate Finance Committee and the Ways and Means Committee of the House of Delegates. Pauper and vagrant children are not to be brought into the State without the consent of this board. With only powers of investigation and advice, it will be seen that this body in no way approaches an organ of centralization and coordination of benevolent efforts in the State.

We shall examine in detail, first, the work of this board and, after that, the various groups of institutions which are under its supervision. The present board seems to be well constituted, free from political influence, and energetic in doing the best within its powers. It recently issued the Seventh Biennial Report of the Board of State Aid and Charities, which includes a complete account of all the various branches of state charity in Maryland, based on a new and thorough investigation, and much of the information in the following pages is obtained from this report.[4]

[3] Laws 1900, ch. 679.

[4] Where no reference is specifically made, this source will be implied.

Organization of the New Board.—The present Board of State Aid and Charities was appointed in April, 1912, and organized May 27, 1912. Section 4 of Article 88A of the Code of Public General Laws, which outlines the duties of the board, reads in part as follows:

> It shall investigate and consider the whole system of state aid to public and other institutions receiving state aid in this State. To this end it shall have power to make an investigation at any time into the condition and management of any institution financially aided by this State, and may demand such information, statistical or otherwise, as it may desire from the officers, directors or employees of such institution, or it may direct such an investigation to be made by a committee of its members or by its secretary; within one week after the convening of every regular session of the General Assembly it shall furnish to the Chairman of the Finance Committee of the Senate, and of the Ways and Means Committee of the House of Delegates, a printed report of the condition of all the institutions receiving financial aid from the State and shall further make such recommendations as to the appropriations for such institutions as may seem wise and for the best interest of this State, giving the reasons for such recommendations as fully as may be practicable.

There are at the present time one hundred and twenty-two institutions receiving money from the State. These institutions are scattered from one end of the State to the other, and range from a day nursery with nine or ten children in attendance up to the State Hospital for the Insane with 1500 patients.

The work of the board has called for the supervision of an expenditure of some $4,000,000 of state money during the last two years, and the probabilities are that this sum will increase rather than diminish. The State last year appropriated $1,389,187.72 for the maintenance of charitable institutions alone. This sum is equivalent to about fourteen cents on the tax rate with the present taxable basis, or a little less than half the State's income from direct taxes.

Although this board is given authority to investigate institutions, it is not given the power to summon witnesses or administer oaths. It is also charged with the duty of recommending a system for state aid, and yet it is given

no organic connection with the other departments of the state government, knowledge of whose workings is absolutely essential to any proper system. Furthermore, just what organizations come under the jurisdiction of the board is doubtful under the present law, and there is no definite statement as to where its duties stop and those of other departments of the state government, such as the Board of Education, begin.

Principles on which State Aid Should be Given.—There apparently has never been any systematic basis for the state appropriations for charitable purposes. This fact was fully recognized by the previous boards, and they proposed certain legislation establishing such a basis, which, however, was not passed.

After a general review of the problem of state aid to charitable and correctional institutions, the board in its Seventh Biennial Report lays down the following principles as fundamental: that no appropriation should be granted for any purpose unless either the community is thereby protected from danger or harm or the work is necessary to guarantee the future welfare of the State; that until the State is in a position to perform a service for all of a certain class of people, it has no right to perform it for special individuals or arbitrary groupings of individuals; that it owes to the people for whom the service is directly performed a duty to see that they get the very best treatment it can give to them; that it is under obligation to the taxpayer to see that these services are secured for the least amount of money, whether the instrumentality used be public or private. In order to carry out these principles, the report continues, it will be necessary that the lump system of appropriations be done away with, and the State should enter into contracts with institutions doing work for it by which these institutions will be paid on a per capita basis according to the quality and quantity of work they actually do. We now have on our statute books a section which prohibits the use of state money for building purposes unless it is specifically appro-

priated for this purpose. The State should go further and require that the title of all buildings provided for from state appropriations should vest in the State, or that the State should be given a lien which will prevent the property from ever being used for any purpose other than that for which the money is appropriated.

State Aided Institutions Under the Supervision of the Board.—The general hospitals constitute one of the most complex problems with which the Board of State Aid and Charities has to deal. There are twenty-four of these institutions to which the State gives aid, located so as to cover practically the entire State, and ranging in size from the hospital at Leonardtown with about fifteen beds to the Mercy Hospital in Baltimore with its average of three hundred patients. Two of these hospitals are state institutions, namely, the Miners' Hospital at Frostburg and the Home and Infirmary of Western Maryland at Cumberland. The others are private institutions over which the State has absolutely no control. Some of these cater largely to the wealthy, and provide a very much more expensive grade of service than is needed by the people generally. Furthermore, the standards of efficiency in these hospitals vary from the best to some that the board considers hardly passable. The financial control and administration of some are exceedingly good, while in others there is evidence of extravagance.[5]

The Board of State Aid and Charities is of the opinion that at least one half of the cost of treating patients in hospitals should be borne by the local communities, and in a bill, tentatively framed, it has provided that one half the cost of the hospital treatment be charged to the county or the city, as the case may be, from which the patient comes.

Consideration of the problems presented by the special hospitals may be divided into three classes: first, problems

[5] The problems connected with the proper adjustment of financial arrangements between the State, the City of Baltimore, and the privately administered hospitals are discussed in detail in the Seventh Biennial Report.

connected with the eye, ear, nose, and throat hospitals; second, those related to the hospitals for crippled children; third, those incident to the proper care of sufferers from tuberculosis.

Taking up first the eye, ear, nose, and throat hospitals, we find that there are only two institutions in this class receiving state aid, namely, the Baltimore Ear, Eye and Throat Charity Hospital, and the South Baltimore Ear, Eye, Nose and Throat Charity Hospital. These institutions are apparently doing good work. The Board of State Aid and Charities considers that the work of the Baltimore Ear, Eye, Nose and Throat Charity Hospital is one which, as long as the policy of subsidies to private institutions is continued, should find a place on the list of the state appropriations.

There are two special hospitals dealing with the care of crippled children, namely, the James Lawrence Kernan Hospital and the Children's Hospital School. Both of these institutions are doing excellent work. The Children's Hospital School is located in a new building well equipped for the purpose, and has the services of nurses from the Church Home and Infirmary. Its per capita cost shows the result of careful management and of equipment suited to its purpose.

By far the greatest problem presented under the head of special hospitals, however, is that connected with the state care of sufferers from tuberculosis. The fact that about ten per cent of all the deaths in 1913 were due to tuberculosis, and that this percentage is somewhat lower than it had been previously, is sufficient to make this a subject for most careful consideration.

In 1902 and 1904[6] the governor was authorized to appoint a tuberculosis commission, consisting of five members, three of whom had to be physicians. They were to investigate tuberculosis in Maryland and the means of controlling it, and were to study the question of establishing a tuberculosis

[6] Laws 1902, ch. 451; 1904, ch. 476.

sanatorium, and to report concerning its construction, cost, equipment, location, and so on. The members were to serve for terms of two years, and without pay except expenses. Unlike practically all other commissions and boards in Maryland administration, this commission was made self-perpetuating; the members were to fill vacancies by a majority vote of their own number. They were required to make a report of their investigations by January, 1906. All hospitals and similar institutions receiving state aid were required to report to the commission facts which might aid it in its investigation, as, for example, every case of tuberculosis, on blanks furnished by the commission. Since 1892[7] an annual appropriation of $2000 had been made for the investigation of tuberculosis, and this was applied to this work.

The work of this commission in investigating tuberculosis was subordinate and temporary. The investigation and control generally of the disease in the State falls within the sphere of the health department. Recommendations were made, and an act of 1906[8] established the Maryland Tuberculosis Sanatorium. This institution is governed by a board of managers consisting of the governor, the comptroller, the treasurer, and a number of other persons which was formerly six, but was increased in 1908[9] to seven, who are appointed by the governor, with the consent of the Senate, with alternating terms of office. They must be non-partisan, and must be technically experienced; they receive no pay. The governor appoints to vacancies. The board, known as the Board of Managers, hires and discharges employes, and sends a report annually to the governor, who transmits it to the General Assembly. The board has complete charge of the sanatorium, which is located near Sabillasville in the heart of the Blue Ridge Mountains, on the line of the Western Maryland Railway about sixty-nine miles from

[7] Laws 1892, ch. 451, secs. 3, 4.
[8] Laws 1906, ch. 308.
[9] Laws 1908, ch. 328.

Baltimore. It was spoken of by the governor in 1910 as "the leading institution of its kind in the United States," and as having "served as a model for many other States which were organizing institutions for the purpose of fighting the 'white plague.'"

It was opened in August, 1908, and by 1910 consisted of an administration building, a dining hall, an infirmary, eight pavilions, a house for heating and lighting purposes, a cottage for the farmer, and some small buildings. Since then, constant additions and improvements have been made. At the close of 1911 the number of patients in the institution was 210, and by the loan of 1910 the capacity was increased by about 200.[10] Persons who can afford to pay are expected to do so, but there are certain free beds, and in 1912[11] it was stated that "preference is given so far as the maintenance is sufficient, to free treatment." The institution is devoted entirely to persons suffering from tuberculosis in a curable form who present a reasonable hope of recovery.

In addition to the State Sanatorium, there are two private sanatoriums which have received state aid, the Hospital for Consumptives of Maryland, popularly known as Eudowood, and the Jewish Home for Consumptives at Reisterstown. These care for both incipient and advanced cases. A private concern had also instituted a tuberculosis sanatorium (Pine Bluff Sanatorium) on the Eastern Shore near Salisbury. In 1912[12] this was purchased by the State. These sanatoriums provide sufficient accommodations for white consumptives in Maryland. What is now needed is adequate provision for the colored tuberculous patients in the State.

In addition to a hospital for tuberculous negroes, the state board recommends that there be established a chain of small local hospitals somewhat similar to that at Pine Bluff for the care of the advanced cases in the communities immediately surrounding them. Such patients as are deemed by the local health officers to be a menace to the health of

[10] Report 1912.
[11] Ibid.
[12] Laws 1912, ch. 650.

the community or such sufferers as are not in a position to get proper care should be removed to these local institutions.

In addition, it is urged that the system of tuberculous visiting nurses established in Baltimore and in several counties be extended either under state or other auspices to cover the entire State. Experience has proved that these nurses are necessary to the proper care of the sufferers.

If this work for the prevention and cure of tuberculosis is to be properly and systematically done, it is necessary that it be under the direction of some guiding hand. Furthermore, it is fairly certain that a central body could more economically handle the two tuberculosis sanatoriums now in existence and the proposed sanatorium for negroes than could separate organizations. The commission having in charge the conduct of the State Sanatorium has proved its efficiency, and by its experience has become conversant with methods of dealing with tuberculosis. It is therefore desirable that a law be enacted making the commission of the present State Sanatorium the managing body of all sanatoriums now or hereafter erected by the State, and giving it authority to inspect them and to advise as to the conduct of all sanatoriums or other organizations for the treatment of tuberculosis now supported wholly or in part by the State or any of its subdivisions.

Among the most important of the charitable duties which fall to the State is provision for such children as for one cause or another must be taken care of by the public. The State supports, either partially or entirely, various orphanages and placing-out agencies, reformatories, and schools for defectives. Practically all of them, however, are under private management, and, aside from giving money to them, the State has never set any standards which control the training of these classes of children. The Board of Education has even taken the stand that the Compulsory Education Law does not apply to children in institutions.

The orphan asylum until very recently was the only

known way of taking care of dependent children. According to the best information that can be gathered, there are now in this State forty orphan asylums in actual operation. These care for an average population of 2517 children; eighteen of these, caring for 1879 children, receive aid from the State, and therefore come under the jurisdiction of the board. Many of these institutions are doing excellent work and are as good as any to be found in the country.

New Legislation Proposed by the Board.[13]—The Board of State Aid and Charities in its Seventh Biennial Report makes certain criticisms and recommendations which we shall briefly mention. First, since the board holds office for only two years, its tenure should be lengthened, and the terms of members should interlock in order that men familiar with the work will remain in office. This lengthening of tenure is needed especially in the case of the secretary, and this officer should be required to be a trained social worker. A similar need is that the system of reports and procedure should be made permanent, as frequent alteration of it causes confusion. Because the board must supervise many institutions for women and girls, it is urged that two women be made members of the board. There should be greater coordination between the work of the Board of State Aid and Charities and other departments of state administration. It is further claimed that the board should be given supervision of almshouses and jails and of the Penitentiary and the House of Correction. Some such supervision is needed, as will be seen in a later part of this chapter, but probably this should be vested in a special board. The Board of State Aid and Charities makes two valuable suggestions regarding the general system of state aid. Aid to charitable institutions, it says, should be put on a contract basis, in order that the State may be assured of value received for money paid. Finally, each governmental unit

[13] The following criticism of present administrative conditions and recommendations for their improvement are taken from the Seventh Biennial Report of the board, the language of that report being closely followed.

should bear part of the expense of its sick and dependent citizens. The plan of part state and part local pay should be extended to cover all classes of dependents.

Even if the first mentioned changes were made in its organization and powers, it is doubtful if the position of the Board of State Aid and Charities would be satisfactory. This board should not be merely an advisory one. There seems to be every reason for giving it complete control of state benevolence, and control, rather than supervision, of state aided institutions; this should be done, of course, after educational and like matters have been removed from its scope and its field has become properly defined. Only in this way, and also by gradual elimination of state aid to private charities, may the state charities system become well organized and efficient.

The Insane[14]

Laws for the care of the insane in Maryland are found as far back as 1826. The insane of the pauper class, that is, those without means of self-support and without relatives or friends to keep them, formerly were committed to the county or city almshouses or to hospitals by the county commissioners in the counties, and by the "supervisors of city charities of the department of Charities and Corrections" in Baltimore City. If these officers were uncertain as to the sanity of a person, they might take the matter to court, and have it decided by a jury. If the person concerned or his relatives or friends demanded this examination, it had to be made. The local trustees of the poor received insane persons committed to their respective almshouses and charged the county or city, as the case might be, for their support.

By laws of 1904 and 1908[15] it was provided that after January 1, 1911, all dependent insane residents of the State

[14] Code 1912, art. lix, sec. 1 ff.
[15] Laws 1904, ch. 421; 1908, ch. 435.

were to be charges of the State, and such persons who were then in local almshouses and asylums were to be removed to state insane hospitals. For furthering this purpose a special lunacy commission was appointed by the governor, of which he was a member ex officio, which reported to the next legislature on amendments and other measures deemed necessary for the care and treatment of the insane, including plans for the enlargement of the existing state insane hospitals or the creation of new ones.

This system of state care of the indigent insane was never put fully into effect, and a seeming abandonment of it is found in an act of 1910[16] which provided that for each patient in any state insane institution who was from a county or the City of Baltimore, the county or city, as the case might be, must pay the State $100 for board, care, and treatment, and that the remainder of the expense should be borne by the State. This leaves the matter in a rather confused and unsatisfactory condition. Efforts are being made, and with increased success, to provide for the state care of all indigent insane. While the existing state hospitals have never become of the capacity to accommodate all such indigent insane, they are being enlarged and added to, and it would seem that in time the provisions of the acts of 1904 and 1908, which have never been repealed, will be carried out. This matter will be considered more in detail in the following paragraphs.

Under the present system of state care of the insane, "reimbursing patients," who pay partly for their own care, may be admitted to insane hospitals, but no one can be committed who has, through relatives or friends, any means of complete support.

Involuntary commitments to insane institutions cannot be made without certificates, not over thirty days old, from two qualified physicians who were not related to the person examined and were not connected with the institution to which it is proposed to make the commitment, and who have

[16] Laws 1910, ch. 715, sec. 38G.

made separate examinations and found it necessary that the person be committed to such institution.

Those in charge of an asylum which is authorized to hold in custody insane persons may appoint employes as policemen, who, under orders, may pursue, arrest, and return escaped inmates. The Lunacy Commission, which will be discussed later, is vested with coroners' powers in regard to deaths in asylums. It may at its discretion transfer violent patients from county institutions to state hospitals, at the expense of the county, or may transfer chronic cases from state hospitals to county institutions. The superintendent or chief medical officer of an asylum may parole or discharge except in cases of criminal insane.

In 1910 the Lunacy Commission was given power to appoint a board of five "visitors," without pay, for each county asylum and almshouse. These persons must be residents of the respective county, and two must be women; all members have the power of inspection and recommendation, and they are to make monthly reports of their visits. The personnel of these boards may be changed by the commission at pleasure.

The board of directors of the Penitentiary or of the House of Correction may summon the Lunacy Commission to examine and pass upon the sanity of a convict, and if the commission finds him insane it makes complaint to a criminal court of the county or city, which orders his removal to an insane asylum, at state expense.

Regarding the expense connected with the care of the state insane, the counties and Baltimore City, as before stated, must pay $100 for each person sent to a state insane hospital, the remaining expense being paid from the state treasury. The cost of keeping the patients is certified by the superintendents of the institutions to the comptroller, who collects the proper proportion from the counties. This expense is met by the county by taxation. If it remains unpaid, it is recovered by action by the attorney-general; and if it remains unpaid after a levy of taxes in the county,

a rate of one per cent interest per month is charged the county. If it is found that a patient is not a proper charge against any particular county, he becomes completely a state charge. Debts of the county for the support of an insane person in a state hospital are made charges against the estate of that person if he has no heirs; but no real property of the estate may be sold for this purpose during his lifetime, and no personal property may be sold after five years, except by order of a proper court. If so sold, the proceeds must be invested safely for the benefit of the insane person.

There was recently organized a Mental Hygiene Committee, which is a private institution, and which has been doing effective work in the prevention of insanity and in the after-care of patients from insane institutions. A number of well-known scientists are members of the committee. It has been urged that state aid be extended to this very valuable work.

Lunacy Commission.—Since 1886 there has been a Lunacy Commission in Maryland,[17] with supervision of all public and private institutions for the insane. It consists of four commissioners appointed by the governor, who, together with the attorney-general, serve for terms of four years; the governor is a member ex officio. They receive no pay but are allowed expenses. At least three of them must be from Baltimore City; two must be graduate physicians of some recognized medical college and must have had five years' practice; one of these must have had two years' experience in treatment of the insane; and no member is to have any pecuniary interest in any insane institution or in the supplies for or treatment of its inmates.

The commission appoints a secretary, who is a qualified physician with at least two years' experience in mental diseases, and who receives a salary of $2500 and is allowed $2500 a year for conducting the work of the commission. Meetings are held monthly, and also at any time at the

[17] Code 1912, art. lix, sec. 12 ff.

request of two members. There are regular semi-annual meetings, which the several boards of managers of the various state hospitals for the insane and feebleminded are required to attend, for the purposes of "consultation and more harmonious and effective administration." The commission is charged with the "custody, treatment, and cure of the insane."

The powers and duties of the commissioners are as follows: They are to investigate and supervise all insane institutions, public and private, in the State, including an inspection of treatment, sanitation, diet, and records. The secretary, or one member at least, is to visit every such institution at intervals of not less than six months. Visits may be made at any time, day or night; and on these visits patients are to be given the opportunity to talk privately with the visitor. Furthermore, every inmate of an asylum must be allowed correspondence with the Lunacy Commission, as well as with one person not a member of the commission. They are to encourage scientific research by publishing bulletins of the scientific and administrative work done by officers of such institutions. If they find a person whom they believe to be improperly detained, they may, through the state's attorney, bring the matter into court. They may also visit sanatoriums and hospitals, public and private, to discover if any insane persons are held there contrary to the law. All officers of both of these classes of institutions are bound to give them free access and any information desired. They are empowered to summon witnesses, administer oaths, and take testimony in cases to determine whether or not a person is wrongfully detained, and to present offenders to the grand jury. From this the managers of the institution may appeal as from cases before a justice of the peace. The commission makes annual reports to the governor, which include reports that they have required from institutions under their supervision, together with recommendations. The reports of institutions to them must contain records of each patient, accounts of all accidents that have occurred, and all restraints used.

By act of 1910[18] the commission was divided into hospital district committees. All private institutions for the insane must obtain licenses from the Lunacy Commission; but this does not include any state or incorporated institution in the counties except where a county almshouse receives insane persons from another county for pay. The application for such a license must contain all plans and details of the proposed institution,—number of patients to be accommodated, and so on. The license may be refused, in which case appeal may be taken to the courts.

Insane Hospitals.[19]—There are five state insane hospitals: the Maryland Hospital for the Insane, or Spring Grove State Hospital, at Catonsville; the Springfield State Hospital at Sykesville; the Hospital for the Negro Insane of Maryland, or Crownsville State Hospital; the Maryland Asylum and Training School for the Feeble Minded, or Rosewood State Training School, at Owings Mills; and the Eastern Shore State Hospital. The first four of these institutions, according to their reports, had a total of about 2821 patients on October 1, 1913. Generally it may be said that the governor appoints the managing boards of these institutions and that they are efficiently conducted by well trained physicians. A central purchasing committee recently established will probably cause greater economy in the buying of supplies.

In 1910[20] a loan of $600,000 was created for their benefit, and $100,000 of this was set aside for the Crownsville negro hospital, constructed after that date. Similarly, in 1912[21] the sum of $200,000 out of a total insane hospital loan of $800,000 provided for the building of the new Eastern Shore State Hospital, which was the result of a demand for a hospital for the accommodation of insane patients from the Eastern Shore.

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[18] Laws 1910, ch. 715, sec. 38A.

[19] For organization of the various hospitals and accounts of loans, see Lunacy Commission Report 1913. Also Code 1912, arts. xliv, lix, xxxi; Laws 1910, ch. 250; 1888, ch. 183; 1894, ch. 562; 1912, ch. 187.

[20] Laws 1910, ch. 250.

[21] Laws 1912, ch. 187.

Still greater support, however, is needed, according to the reports of these institutions and of the Lunacy Commission, and it seems only proper that Maryland, having undertaken a system of state care of its indigent insane, should give aid sufficient to provide adequate accommodations for all of that class of its inhabitants. The organization of the system of state insane hospitals is good. The Lunacy Commission has only supervisory and not controlling authority over the insane hospitals, but this seems wise in the case of institutions conducted by experts and maintained, to a considerable extent, as completely separate institutions.

Corrections

The correctional and penal institutions in Maryland are various reformatories, the House of Correction, and the State Penitentiary. These will be considered in the order named.

Reformatories.—The following correctional, state-aided institutions have a semi-, or perhaps, more correctly, a pseudo-state character. Some of them have on their governing boards members appointed by the governor; all are authorized to receive inmates on commitment from the state courts.[22] (1) The House of the Good Shepherd, for white girls under eighteen, must report annually to the governor. (2) The House of the Good Shepherd, for colored girls, is conducted like the one for white girls. (3) The House of Reformation, for colored boys. Two members of a board of sixteen managers are appointed by the governor. The board must report to the General Assembly. (4) The House of Refuge, for white male children. Four members of a board of twenty-four managers are appointed by the governor. The board must report to the General Assembly. (5) The House of Refuge, female. Ten out of thirty directors are appointed by the governor, with the consent of the Senate. (6) The Industrial Home for Colored Girls.

[22] Code 1904, art. xxvii, sec. 477 ff.

Two out of eleven managers are appointed by the governor. The board must report to the General Assembly. (7) St. Mary's Industrial School for Boys, for orphan and destitute boys. The governor appoints every two years three persons to the board of trustees.

The House of Correction.—The Maryland House of Correction,[23] established in 1874,[24] was reorganized by act of 1884[25] and was placed under the control of a board of managers constituted as follows: the governor, the comptroller, the attorney-general, and the treasurer, for the time being ex officio members, and nine other members appointed by the governor with rotating terms of office, so that three of them go out of office every two years. This board has all power of making rules and regulations, appointing officers and employes, and so on, for the running of the institution.

There are specific enumerations of persons who may be sent to the House of Correction, but the general rule is that "whenever any person may be convicted in any of the courts of this State for any crime or misdemeanor, who is liable under existing law to be sentenced to imprisonment for a period not less than two months and not exceeding one year, such court may, in its discretion, sentence such person to be confined in said house of correction, instead of other place of confinement."

In addition to many faults in the method of conducting the House of Correction with which it is not possible to deal in this study, such as cruel punishment, insanitary conditions, and so on, there is one evil which may be considered administrative in character. This is the system of contract labor, which in the Maryland Penitentiary has been so strongly condemned. The system should be abolished.

The Maryland Penitentiary.—The State Penitentiary[26] is managed by a board of six directors, who are appointed, two

[23] Code 1904, art. xxvii, sec. 462 ff.
[24] Laws 1874, ch. 233.
[25] Laws 1884, ch. 513.
[26] Code 1904, art. xxvii, sec. 548 ff.

every two years, by the governor, with the consent of the Senate, and who receive two dollars a day for time spent in fulfilling their duties. These directors annually appoint a warden, whom they may discharge, and who receives $4000 per year, allowance for subsistence, and occupancy of a residence at the Penitentiary. The warden appoints, subject to the approval of the board, an assistant warden, a physician, and a matron, and deputies, guards, and other employes, whose compensation is determined by the board of directors.

No person officially connected with the Penitentiary may be interested in any way in any sale or purchase by or for the institution, although the directors may authorize the payment of officers in goods, work, or manufactures of the Penitentiary. The directors are authorized to enter into contract for the employment of the convicts and for the sale of manufactures in the institution. The directors are required to make special financial reports to the comptroller, and general and financial reports every month and every year to the governor, who transmits them to the legislature; in addition to this, the criminal court of Baltimore must, at each term, charge the grand jury to inquire into the conduct and management of the Penitentiary, and must direct a number of grand jurors, not over six, to visit and examine it.

Criticism.—The Maryland Penitentiary has long been a very profitable institution, but in a recent investigation which was made by the Maryland Penitentiary Penal Commission, appointed by the governor in 1912, the institution was found to be corrupt in management. According to the report of the commission made on February 4, 1913, many evils were found there, the worst of which, from an administrative point of view, was the existence of graft among those in charge. The commission recommended important changes in the entire state penal system. The contract system of labor, it said, though profitable, should be abolished, and there should be substituted either the "state use" sys-

tem, by which the State manufactures goods for its own institutions, or the "state account" system, by which the State goes into the open market with the products of its own penal industries. The determination upon one or both of these systems should be made after an investigation of local conditions, including local markets, and so on. In addition to following these suggestions of the commission, it may be remarked that the system of convict labor on state roads, which has been used in other States, notably Colorado, with benefit to both the State and its prisoners, might be found to be suited to Maryland conditions.

The commission recommended that all county jails—which, incidentally, it describes as "abominable"—and all city jails "be abolished as places of final sentence, and be maintained purely as places of detention for those awaiting trial." It urged some better supervision of the reformatories of the State and the abolishment of duplication of work by them. Most important of all, the commission recommended that the boards of directors of all state penal institutions be abolished, and that there be created instead a central board of five "prison inspectors" to be appointed by the governor and to serve without pay, but to have a high-grade, high-salaried secretary. This board should have complete charge of all state penal institutions.

In 1912[27] the governor appointed a large Penal System Commission, composed of representatives of various state offices and state and other institutions, who were given the power to investigate all institutions where persons are detained for violation of the laws of the State. This commission reported on February 16, 1914, urging changes similar to those advocated by the Maryland Penitentiary Penal Commission. It recommended the creation of a State Board of Control to assume management of the State Penitentiary and the House of Correction, and in addition the establishment of an Advisory Board of Parole to assist the governor in the exercise of his powers of pardon and

[27] Laws 1912, ch. 596.

reprieve and to put into force a proposed indeterminate sentence system.

Some reorganization of the state penal system, based on the recommendations of these commissions, should, and probably soon will, be effected. If the penal institutions of the State are to be coordinated and controlled properly, they must be put under the management of a central board with complete authority over all of them.

CHAPTER IV

Finance

It need scarcely be remarked that the financial branch of state administration is one of the oldest, having necessarily existed from the beginning of the state government itself; although, of course, certain auxiliary financial offices, like those of state tax commissioner, state bank commissioner, and state insurance commissioner, are of very recent origin. It is not the primary purpose of this chapter to present a history of the financial machinery of the state government, but a word may be said as to its development.

Under the first constitution of 1776 two state treasurers were appointed by the House of Delegates, one from the Eastern Shore and one from the Western Shore.[1] They were directly responsible to the House of Delegates, who might examine their accounts or appoint auditors to do so. By the constitution of 1851 the system was changed, and the affairs of the treasury were divided between a comptroller and a treasurer; a comptroller was elected for a term of two years by the people, and a treasurer was appointed by the legislature at each biennial session and each was made a check upon the other. It was made the governor's duty to examine semi-annually the accounts of both officers and during a legislative recess he could appoint to a vacancy. While the comptroller's duty was to take care of state money, the treasurer's was to receive and disburse it.

Commentators on the constitution of 1851 considered the

[1] This method of bisecting the State with the Chesapeake Bay as the dividing line is frequently found in political affairs of the last century. It was based on convenience, no doubt, but probably also indicated a rivalry between the two "shores."

plan which went into effect at that date a great improvement over the former arrangement. Hinkley[2] said:

> The whole department is remodelled. The Comptroller of the Treasury is a new officer designed as a check upon the Treasurer. The former is to be elected by the people, the latter by the legislature. This plan of giving authority to one from one source and to the other from another makes them, in a measure, independent of each other; and thereby the danger of collusion is greatly lessened. By the old system, there was no such check upon the Treasurer, the integrity of a single individual being the chief and almost only safeguard of the State in regard to its treasure.

This system of division of duties between the comptroller and the treasurer was not changed by the constitutions of 1864 and 1867, and remains fundamentally the same today.

The comptroller must give bond of $50,000, with securities approved by the governor, and must report annually to the legislature, or, if this is not in session, to the governor, accounting for all funds, revenues, and expenditures of the State, and estimating the receipts and expenses for the current year.[3] He must also have printed with the laws at each legislative session a statement of receipts and expenditures of state money, and his office is subject to inspection by the governor and members of the General Assembly. He also obtains reports concerning the revenues and taxes of the State. He checks up the treasurer by keeping an account between the latter officer and the State and by examining monthly the treasurer's own accounts. Persons or corporations having claims against the State for errors in taxes may present them to the comptroller, who reports them to the General Assembly in cases where he believes the claim to be just, after first deducting any indebtedness of such persons or corporations to the State. He directs state's attorneys to bring suit in the case of default of any receiver of public money, such as a court clerk, a registrar, a contractor, or a collector of taxes, after he has allowed a certain period to elapse and has given notice to the defaulter. Also, in cases of default, that is, where accounts

[2] Notes on the Constitution, p. 80.
[3] Code 1912, art. xix, sec. 2 ff.

of such officers are in arrears, after thirty days' notice he advertises the default in newspapers for thirty days prior to a general election, except in cases of default unsettled for five years or over. He adjusts all claims of state's attorneys against the State; and similarly settles claims of the State against all receivers of public money and all state debtors, and may in certain cases (at present, if the debt accrued prior to or during 1908) make abatements subject to the approval of the governor and the treasurer, when he feels sure that the full amount could not be collected.

The comptroller sees to it that incorporated monied institutions publish unclaimed dividends and deposits. All associations and corporations, industrial, educational, medical, humane, military, or charitable, receiving state aid must file an annual itemized account with him, stating how their appropriations were spent, and if this is not done the comptroller stops the issue of further warrants for the delinquent institution. The comptroller has examinations made of the financial affairs of all these state-aided institutions.

In some cases the comptroller is given express power to refuse payment to state officers or institutions when he considers a certain expenditure an unnecessary one. This is provided in the case of the State Lunacy Commission. State-aided institutions are prohibited from using state money for land or buildings unless the appropriation was for that purpose.

The state treasurer,[4] handling directly as he does the funds of the State, is required to give bond of $200,000 with securities approved by the governor; and he in turn must require any agent whom he appoints to give like bond. The treasurer, like the comptroller, receives claims from errors in taxation and presents worthy ones to the legislature. He is authorized to appoint, without compensation,

[4] Code 1912, art. xcv, sec. 2 ff.; art. xxiii, secs. 106, 107, 110, 111, 115, 121, 157.

the president of an incorporated bank of Baltimore City as his agent to pay interest on the public debt.

It would be outside the sphere of this work to examine the great mass of corporation laws of the State, but many classes of corporations are brought under the financial supervision of the State, either through the bank commissioner, the insurance commissioner, or the treasurer. All corporations receiving money on deposit, like security and guaranty concerns, must deposit a certain amount of stock or bonds with the state treasurer, who pays interest obtained on them and holds them subject to the order of a court of competent jurisdiction. All such concerns must report semi-annually to the treasurer, and are subject to yearly examination by him or by one of his agents. In case a corporation attempts to do business without making its required deposit, the treasurer advertises the fact and reports to the attorney-general, who institutes proceedings. If he orders changes in such corporations and they are not made, he communicates with the attorney-general.

The treasurer receives fees collected by the tax commissioner for incorporations, receives the required deposits from insurance companies, and receives franchise taxes from all corporations. He must report at every session of the legislature on the condition of all corporations required to report to or to be examined by him.[5]

Public Works

The office of commissioner of public works was created by the constitution of 1851[6] for the superintendence of the interests of the State in railway and canal companies, in which it was, at that time, extensively involved. There were four such commissioners, and the office was elective. Since their functions were practically the same as those of the present Board of Public Works, they will be outlined

[5] The bank commissioner and the insurance commissioner will be treated later in this chapter.

[6] Art. vii, sec. 1 ff.

here. They were to exercise a "diligent and faithful supervision of all Public Works" in which the State was interested as stockholder or creditor. They were to represent the State at all meetings of stockholders; to appoint directors in every railroad or canal company in which the State had constitutional power to appoint directors; to review from time to time the rates of tolls adopted by all such companies; to use legal powers which they possessed to obtain the establishment of rates of toll which might prevent injurious competition to the detriment of the interests of the State; so to adjust these rates as to promote agriculture in the State; at each session of the legislature to make a report, and to recommend such legislation as they deemed "necessary and requisite" to promote or protect the interest of the State in public works.

The State was divided into four districts, with one commissioner assigned to each district. A commissioner had to be for five years a resident of the district in which he was elected; and vacancies were appointed to by the governor. In case of an equal division of the board on any subject submitted to it, the treasurer was called upon to decide.

By the constitution of 1864[7] the governor, the comptroller, and the treasurer were constituted the Board of Public Works, and this was continued by the present constitution, drawn up in 1867. This system obviously places the public works much more closely under the supervision of the principal financial officers of the State and tends toward centralized efficiency, while it incidentally saves in salary expenditure, since the governor, the comptroller, and the treasurer receive no additional salary as members of the board. A few slight changes were made by the constitution of 1867.[8] Instead of personally representing the State at every meeting of stockholders of any railway or canal company in which the State is interested, the members of the board appoint representatives.

[7] Art. vii.
[8] Art. iii, sec. 34; art. xii.

The unique provision concerning noncompetitive rates was continued, but this was done by means of reports furnished by the state directors. They were to require the directors of these transportation companies "to guard the public interest and prevent the establishment of tolls which shall discriminate against the interest of citizens or products of Maryland, and from time to time and as often as there shall be any change in the rates of toll on any of these public works, to furnish to the Board a schedule of the modified rates." Thus they were to adjust rates so as to protect the agricultural interests of the State. Further, the president and the directors of the Chesapeake and Ohio Canal were required so to "regulate the tolls of said company as to produce the largest amount of revenue and to avoid injurious effects to the company of rival competition by other internal improvement companies." The motive for these interesting provisions seems to have been compounded of a belief in the injuriousness of competition, a desire to reap the largest possible profits from state enterprise, and a concomitant, if paradoxical, wish to protect the interests of the people, particularly the agricultural interests. But these provisions need not further be considered on account of their practical obsoleteness. The period of large state investments in railways, canals, and like businesses has passed away; the principal duty of the Board of Public Works today is that of handling state bonds.[9]

It has a few other functions. In case of a controversy between a corporation in which the State is interested and its employes, the Board of Public Works may arbitrate if it deems it proper, and if both parties agree to arbitrate. If they refuse, the board reports the case to the next General Assembly.[10] From 1868[11] to 1910 there could be submitted to it for final arbitration questions of difference arising between any two corporations in the State, or between a corporation and a citizen, in regard to locating, construct-

[9] See page 12.
[10] Code 1912, art. vii, sec. 1.
[11] Laws 1868, ch. 471, sec. 150.

ing, or working a railway or in respect to transportation charges. But matters of construction and transportation charges by railways now come under the jurisdiction of the comparatively new Public Service Commission.

The Board of Public Works appoints a commander and a deputy commander for, and in general has supervision of the State Fishery Force;[12] it buys equipment for it, removes officers for neglect or incompetence, and receives monthly financial reports from the commander. The board also appoints three persons as members of the Shellfish Commission,[13] one from a tidewater county of the Eastern Shore, one from a tidewater county of the Western Shore, and one from Baltimore City, and designates one member as president; but the Shellfish Commission makes its report, which is in the form of a published pamphlet, directly to the legislature. The Board of Public Works is supposed to have charge of purchasing stationery for use in state offices.[14]

Investments and Debt

Counties.—While the matter of county investment is distinct from that of state investment, the State exercises a certain supervision over the counties in this regard. The constitution[15] provides that no county in this State shall contract any debt or obligation in the construction of any railroad, canal, or other work of internal improvement, or give or loan its credit to or in aid of any association or corporation, unless authorized by an act of the General Assembly, which shall be published for two months before an election for members of the House of Delegates in the newspapers of the county, and shall also be approved by a majority of all members elected to each house of the General Assembly at its next session after the said election.

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[12] For further treatment see page 121 ff.
[13] For further treatment see page 123 ff.
[14] Code 1912, art. lxxviiiA, secs. 1–6.
[15] Constitution 1867, art. iii, sec. 54.

The State.—The constitution of 1851[16] provided that no state debt might be contracted by the legislature without a provision for an annual tax that would meet the interest as it fell due and that would also discharge the principal within fifteen years; and these taxes might not be repealed or applied in any other way until their purpose was accomplished. The total amount of state debt was limited to $100,000, but it was provided that the legislature might borrow $50,000 to meet a temporary deficiency in the treasury. In 1864[17] the limitation of state indebtedness to $100,000 was omitted. Under the constitution as it stands today the legislature in contracting a debt is still bound to provide an annual tax sufficient to meet the interest and to discharge the principal within fifteen years.[18]

In the process of disposing of the investments of the State in so-called internal improvements and in banking concerns, which began to take place about the middle of the last century, the Board of Public Works was naturally the body which carried on the disposition. Laws of 1892[19] and 1906[20] provided that in selling, in pursuance of provisions of the last state constitution, the interest of the State in works of internal improvement or in any banking corporation the Board of Public Works was to advertise in newspapers and receive bids, which should be opened publicly; if bids were in its judgment high enough, it was to sell.

There are a number of general regulations in force at present concerning the conducting of the finances of the State, especially with reference to public debts and sinking funds. Money remaining in the treasury at the end of every fiscal year over $150,000 and the amount necessary to meet the expenses of government and interest on public debt is held to the credit of the general sinking fund and invested by the treasurer in overdue obligations of the State,

[16] Constitution 1851, art. iii, sec. 22.
[17] Constitution 1864, art. iii, sec. 33.
[18] Constitution 1867, art. iii.
[19] Laws 1892, ch. 310.
[20] Laws 1906, ch. 185.

or, if these are not procurable, in not yet matured state obligations, or in United States securities, or in "such other productive stocks or bonds as the governor, Comptroller, and Treasurer may consider safe and reliable."[21] At least $100,000 must be set aside each year for the general sinking fund and invested in this manner. All securities purchased for this fund are held to its credit, and interest on those securities which are still to mature is credited to the fund until the securities mature and are redeemed, or are disposed of by the General Assembly.

When the comptroller believes that there is a surplus in the treasury above what is needed for current expenses, he is to invest it in bonds or certificates of the state debt, purchased at par or less;[22] and, in this, preference is given to overdue debt. The comptroller and the treasurer may at any time require overdue debt of the State, or any part of it, to be presented for payment by giving at least thirty days' notice to the holders that on a certain day interest on it will cease. In any case of such buying up of state bonds they are to be cancelled, and the interest accrues to the credit of the sinking fund until the General Assembly may dispose of them.

All of the funded debts of the State, or parts of them, when redeemed are cancelled, except $100,000 each year, which goes to the credit of the sinking fund;[23] but all parts of the funded debts of the State created for the benefit of "internal improvement works" or on account of the "tobacco debt" which are redeemed and purchased continue to be a charge against these particular debts, and are carried to the credit of the sinking fund for that purpose exclusively.

When, in the judgment of the Board of Public Works, the public interests will be subserved by it, the board may direct the treasurer to sell securities belonging to the sinking funds, and, if the proceeds are not needed to pay a debt

[21] Code 1912, art. lxxxi, sec. 194.
[22] Ibid., art. xix, secs. 32, 33.
[23] Ibid., art. xcv, secs. 8, 9.

of the State due or about to become due, they are to be reinvested by the treasurer in new sinking fund securities.[24]

The comptroller and the treasurer, four times a year, are required, in the presence of the governor, to count and cancel the bonds and certificates for stocks of the State, to count and examine other securities purchased by the treasurer for use of the sinking fund, and to make a statement of this work, countersigned by the governor. The work must be gone over by committees from the legislature and reported to the legislature.[25]

Stocks, bonds, and securities belonging to the State are deposited with some safe deposit company of Baltimore City, selected by the treasurer with the approval of the Board of Public Works; the treasurer is not allowed to have access alone to these, but must go in company with the comptroller or obtain a second key to the vaults from him. Both the treasurer and the comptroller keep books accounting for the securities, stocks, and bonds belonging to the sinking funds; these are open to inspection by the governor and by the Senate Finance Committee and the Ways and Means Committee of the House of Delegates.[26]

Taxation

Machinery of Taxation.—In the counties practically the entire process of taxation is in the hands of the county commissioners, subject, of course, to state imposition of taxes and state rules for collection. In Baltimore City the administration of the taxation system is divided between the mayor and the City Council and the appeal tax court.

The county commissioners and the mayor and the City Council respectively are given the power of "imposing taxes" and presenting them to the collectors. If they fail to do this, the governor appoints a tax board of three members, for the county or city as the case may be, who may be

[24] Code 1912, art. xcv, sec. 31.
[25] Ibid., sec. 23.
[26] Ibid., secs. 28, 29.

taken from the State at large, who make the levy and receive compensation at the rate of three dollars a day.[27] The clerk to the county commissioners or to the appeal tax court, or the register of Baltimore City, makes returns of the assessors to such tax boards; and these officers also certify state assessments to the comptroller.

The collectors of taxes are chosen yearly in the counties by the county commissioners and in Baltimore City under local regulations; all collectors must give separate bond to the State, approved by the governor, although Garrett, Talbot, Montgomery, and Washington Counties are exempted from this latter provision. If no collector is chosen in a county or in the city, the governor appoints one from the State at large and approves his bond, or a separate collector of state taxes may be chosen in a county or in the city.[28]

The county commissioners in the counties and the appeal tax court in Baltimore have powers of valuation and assessment and, after notice, of revaluation and reassessment;[29] in this, they work through assessors and collectors, whose compensation is fixed by the county commissioners or by the mayor and the City Council.[30]

The commissioner of the land office, the clerks of courts, and the registers of wills make returns to the tax officials which will help them to keep account of property.[31] The county commissioners and the appeal tax court of Baltimore keep records of property and its valuation; and their clerks send lists of assessments to the comptroller within thirty days after the annual levy of taxes.[32] Applications for deductions and abatements are made to the county commissioners and to the appeal tax court, respectively, while appeal lies in the counties to the circuit courts, and in Balti-

[27] Code 1912, art. lxxxi, secs. 28, 30, 32.
[28] Ibid., secs. 33, 34, 37, 41.
[29] Ibid., secs. 203 ff.
[30] Ibid., sec. 8.
[31] Ibid., secs. 10, 11.
[32] Ibid., secs. 25, 26.

more to the Baltimore city court.[33] Refunding to state collectors for overpayments is done by the General Assembly upon notification from the comptroller or the treasurer.[34] When a collector finds it necessary to make a sale, by distress or by execution, in order to collect a tax, he must make a statement of his intention and allow thirty days to elapse. This regulation does not apply to Garrett or Talbot County.[35] Collectors are paid by commissions which are limited by law.

Rules of Taxation.—The constitution of 1867 provides that personal property of residents of the State shall be subject to taxation in the county or city which is the bona fide residence of the owner for the greater part of the year, but goods and chattels permanently located shall be taxed in the city or county where they are located.[36] It is also laid down that the legislature is to provide by law for state and municipal taxation upon revenues accruing from business done in the State by all foreign corporations.[37] And it is provided that the General Assembly shall not pass local or special laws for the assessment and collection of taxes for state or county purposes, or extending the time for the collection of taxes.[38]

State Tax Commissioner.—By acts of 1874[39] and 1878[40] the office of state tax commissioner was established, to take charge of the taxation of corporations. The office is one in the Treasury Department, and the commissioner is appointed by the governor, the comptroller, and the treasurer, or by a majority of them, for a term of four years, with an annual remuneration of $2500 and travelling expenses.

The state tax commissioner, before May 15 of each year, assesses for state purposes the shares of capital stock of all corporations subject to taxation in Maryland, and reports

[33] Code 1912, art. lxxxi, secs. 16, 18.
[34] Ibid., sec. 51.
[35] Ibid., sec. 52.
[36] Constitution 1867, art. iii, sec. 51.
[37] Ibid., sec. 58.
[38] Ibid., sec. 33.
[39] Laws 1874, ch. 483.
[40] Laws 1878, ch. 178.

the assessment to the comptroller. He also reports to the General Assembly at each session the amount of the basis of assessment for state purposes in the several counties and Baltimore City. All certificates of incorporation and amendments of charters must be delivered to the tax commissioner.[41]

All corporations must report annually to the tax commissioner on their shares of capital stock; security, safe deposit, fidelity, guaranty, and trust compànies doing business in Maryland must specify in their annual reports their securities and investments; and he in turn assesses and levies state taxes on them. The county commissioners and the appeal tax court in Baltimore City make alterations and corrections in valuations and assessment, upon direction of the tax commissioner and the attorney-general. When returns of stockholders and of real property are made to the county commissioners and the Baltimore City appeal tax court by corporations, those officers send to the tax commissioner a statement of the property valuation, and from this he calculates the value of the shares of capital stock. This he certifies to the county commissioners and the appeal tax court of Baltimore; and these corporation shares are for county and municipal purposes valued to the owner where he resides if he is a Maryland resident. If the owner is not a state resident, they are valued to the owner in the county or city where the corporation is situated and the tax is collected from the corporation.

Special rules are laid down concerning steam railways: They are subject to an annual state tax on gross receipts, as are other corporations, and their real and personal property is subject to county and city taxation where such property is located. When, however, they are subject to a state gross receipt tax, they are not subject also to a state tax on personal and real property. When they are subject to county or city real and personal property tax, their shares of stock are not subject also to county or city taxation.

[41] Code 1912, art. xxiii, sec. 4 ff.

In general, all other corporations are subject to state, county, and municipal taxation on capital stock, gross receipts, and all property. On certain kinds of corporations a state franchise tax on gross receipts or earnings is levied, which, if the business of the corporation is partly within and partly without the State, is apportioned according to the proportion of the business done in the State.

The assessment of railway rolling stock is made by the local boards of control and review and is returned to the tax commissioner, who apportions the amount for local taxation according to the proportion of mileage in each county (or in Baltimore), and notifies the local tax authorities.[42] Distilled spirits in the hands of distillers and warehouse owners are assessed as personal property; for their taxation each such distiller or warehouse owner must annually report on the value of such property to the tax commissioner, who, after a hearing, if necessary assesses it.[43] The state tax commissioner may administer oaths and examine persons concerning the business of any corporation in the State or its revenues.[44]

State Auditor

This office is a part of the Treasury Department. The auditor[45] is appointed by the governor, the comptroller, and the treasurer, or a majority of them, for a term of two years, at a salary of $2500. A deputy auditor is similarly appointed, and receives a salary of $2000. The power of removal for failure to perform duties is vested in the appointive body. The state auditor examines yearly the books and accounts of all court clerks, registers of wills, sheriffs, and state's attorneys, as well as those of the officials of the state tobacco warehouses and such other state offices as the Board of Public Works directs. He reports to this board,

[42] Code 1912, art. lxxxi, sec. 212.
[43] Ibid., sec. 218.
[44] Ibid., sec. 172.
[45] Ibid., sec. 229 ff.; Laws 1912, ch. 190.

which may approve suggestions for changes in accounting methods made by him for the above mentioned offices.

In 1912 the jurisdiction of the state auditor was widened so as to include all institutions receiving state aid. Provision was also made that if from his examinations a state officer were found in default, the Board of Public Works must direct the state's attorney or the attorney-general to bring suit against him.[46]

Banking Department: Bank Commissioner

The bank commissioner[47] also is appointed by the Board of Public Works for a term of two years. His function is to supervise the banking business carried on in the State. He or his deputy examines the affairs of every banking institution except national banks at least once a year, having access to all papers, vaults, and so on. Either one of them may examine on oath the trustees or any officers or agents of a bank. If upon examination a bank appears to be insolvent or not to have complied with the law, or to be conducting a business dangerous to the public, the bank commissioner notifies the governor, who may, if he deems it proper after advising with the attorney-general, bring suit against the bank.

The bank commissioner likewise reports any violation of the law by trustees or officers of a bank to the governor, who may direct the attorney-general to prosecute. He must also examine a bank on request of its board of directors; must receive and verify reports made by banking institutions; and must, in the case of failure of a banking institution, act as a temporary receiver until a permanent receiver is appointed by the court. All members of the banking department, commissioner, deputy, and clerks, are bound to secrecy in matters concerning banks under supervision. Every bank and trust company transmits the fol-

[46] Laws 1912, ch. 190.
[47] Code 1912, art. xi, sec. 1 ff.

lowing reports to the commissioner: at least five per year on assets and liabilities, to be published in local papers; one per year on stockholders and their holdings; any special reports required by the commissioner.

Before a bank comes into existence, the bank commissioner must receive and approve the articles of incorporation. After this he examines the bank to see if all the requirements of the law have been met. He then issues a certificate, without which no bank may begin business; and he may, with the advice and consent of the governor, withhold such a certificate. He must also approve of the reorganization of national banks under the state banking laws, and must prescribe regulations for their issues of notes and currency. Similarly he must approve all consolidations of banks; and must receive notification of the liquidation of a bank, in which case he "takes over" the institution, and this acts as a bar to attachment proceedings.

The bank commissioner approves stocks and bonds held as "additional reserve" by trust companies. He notifies any bank or trust company when its reserve falls below the required amount, and if the institution fails to make up the deficit within thirty days, he may notify the governor and direct the attorney-general to institute proceedings for the appointment of a receiver or to wind up the business of the institution.

A system of fees and charges to cover the cost of examination of banks is laid down by law, and the banking department is allowed a certain fund for expenses in case the charge made upon a bank does not cover them. The bank commissioner reports annually to the governor and may suggest amendments to the law.

Insurance Commissioner

The state insurance commissioner[48] is appointed by the governor, the comptroller, and the treasurer, who may re-

[48] Code 1912, art. xxiii, sec. 175 ff.

move him without notice or cause.[49] His term is four years. He is charged with the execution of the insurance laws of the State. The department inspects all insurance companies; supervises their securities and the valuation of their policies; issues to them certificates to do business; and, if their financial condition is not satisfactory, notifies them to cease doing business. The commissioner must inspect every insurance company at least once during his term of office, and also must inspect any insurance company in the State on the request of five or more persons pecuniarily interested. A system of fees for licenses and examinations is laid down by law, and the expenses of office are paid from such receipts. In closing out a company the commissioner works in conjunction with the circuit courts; the judge appoints an examining committee. All insurance companies must report annually concerning their policies and business, and charters for new business must be approved by the attorney-general. The insurance commissioner upon issuing annual licenses to companies to do business publishes in the newspapers abstracts of their annual reports.

Review of Conditions and Needs

In 1908 the governor recommended that the state treasurer be elected by the people, and that the term of office of the comptroller and the treasurer be changed. He said:

> I am convinced that it is best for the interests of the people that the Comptroller and Treasurer should hold office for the same period of time, four years, for which the governor is elected.
>
> Therefore I recommend that a Constitutional Amendment be proposed increasing the term of the Comptroller and Treasurer each to four years and making the Treasurer an elective office. The Governor-elect has declared himself in favor of lodging with the people the selection of more of their state officials and I feel confident that he will approve this recommendation.

The fee system in many state offices has frequently been attacked. In 1910 the governor called attention to the fact

[49] Townsend v. Kurtz, 83 Md. 340.

that a commission had been appointed to investigate the fee system, and he went on to say: "The present system of permitting officials to pay themselves and their subordinates from the fees collected by them and turning the excess, if any, into the State Treasury, is wrong in principle and in practice."

The value of the office of state auditor is generally recognized, but at present the scope of his authority is much too limited. He should be given general authority and proper assistance to investigate the accounts of every collector of taxes in the State. And, indeed, it has been suggested that the auditor should be given financial supervision of every administrative office in the State.

The general attitude concerning the departments of banking and insurance is perhaps one of too much regard for governmental benefit, in the form of large office receipts, and too little regard for the benefit of the State generally. Their prime function is, of course, to supervise these businesses so that the individual may be protected.

Financial Policy.—During the time that the Constitution of 1776 was in force in Maryland there was one form of activity of the state government which is worthy of special note. About the year 1820 the State felt the need of internal improvements in order that communication from one part of Maryland to another might be more easy. Accordingly a policy was begun of appropriating money . . . towards the building of railways and canals. The most important aid was given to the Baltimore and Ohio Railroad and the Chesapeake and Ohio Canal. Through these subscriptions by the State and other privileges granted, the interest of Maryland in these enterprises became very great.[50]

This policy continued up until the middle of the nineteenth century, the Board of Public Works having charge of such interests and indeed a considerable amount of control over the enterprises, such as supervision of rates of toll, and so on. After the middle of the last century, however, a general movement was begun to get rid of such interests. The constitutions of 1864 and 1867 and laws passed about the end of the century made provision for such disposition.

[50] B. C. Steiner, Institutions and Civil Government of Maryland, p. 14.

The governor, the comptroller, and the treasurer, or any two of them, were authorized by the constitution of 1864[51]

> to exchange the State's interest as stockholder and creditor in the Baltimore and Ohio Railroad Company for an equal amount of the bonds or registered debt now owing by the State; and subject to such regulations and conditions as the General Assembly may, from time to time, prescribe, to sell the State's interest in other works of internal improvement, whether as stockholder or creditor; also the State's interest in any banking corporation, and receive in payment the bonds and registered debt now owing by the State; equal in amount to the price obtained for the State's said interest; provided that the interest of the State in the Washington branch of the Baltimore and Ohio Railway be reserved and excepted from sale; and provided further, that no contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, or the Susquehanna and Tide Water Canal Companies, shall go into effect until the same shall be ratified by the ensuing General Assembly.

Similarly, in the constitution of 1867[52] the Board of Public Works was authorized to dispose of state interests in private enterprises by exchanging them for state bonds and registered state debt.

In 1898[53] the board was authorized to sell an annuity of $90,000, created in 1854, payable by the Northern Central Railway Company to the State of Maryland. All proceeds from the sale were to be applied to payment of the state debt or to the purchase of securities for the sinking fund of the state debt. The board was likewise authorized to dispose of the interest of the State in the Baltimore and Potomac Railway Company.

By acts of 1892,[54], 1896,[55] and 1906[56] provision was made for the sale by the Board of Public Works of the state interests in the Washington branch of the Baltimore and Ohio Railroad Company, the Annapolis Water Company, and the Farmers' National Bank of Annapolis. As in other cases, it was provided that the stock in these companies might be exchanged for certificates of state indebtedness, and in any

[51] Constitution 1864, art. iii, sec. 52.
[52] Constitution 1867, art. xii, sec. 3.
[53] Laws 1898, ch. 378.
[54] Laws 1892, ch. 310.
[55] Laws 1896, ch. 172.
[56] Laws 1906, ch. 185.

event the proceeds were to be applied to cancellation of the state debt.

Gradually most of the interests of the State in private enterprises were sold. Then followed a short period during which very few state loans were made. But, beginning about the last decade in the last century, a new era of improvements was begun, this time through direct public action rather than through encouragement of private enterprises, and this necessarily brought about state loans which have gradually increased until they have become, within the past ten years, very considerable. An enumeration of several of the more recent of these loans will indicate the general tendency.[57] In 1896 there was created a Penitentiary Loan of $500,000, in 1899 a Consolidated Loan of $5,800,000, in 1902 a State Loan of 1902 of $600,000, in 1911 a State Insane Hospital Loan of $600,000, in the same year a Sanatorium Loan of $100,000, in 1908–10 a $5,000,000 State Roads Loan, in 1912 a Second Insane Hospital Loan[58] of $800,000, in the same year a State Loan of 1912[59] of $3,170,000, as well as a loan to meet temporary needs in road construction,[60] and a Johns Hopkins University Technical School Loan[61] of $600,000, and finally in the same year (1912) a State Loan of 1914 of $1,000,000.[62] Demands are now being made for further loans, typical among them being that for a large one for the continuation of the good roads policy.

In 1908 we find the governor recommending further disposal of remaining state interests in private financial affairs and a concentration of state finances toward paying off the increasing debts. He says:[63] "The State, in my judgment, has no right to take money from taxpayers for the payment of her debts when she has securities in her treasury as in-

[57] Code 1912, art. xxxi, sec. 2 ff.
[58] Laws 1912, ch. 187.
[59] Ibid., ch. 370.
[60] Ibid., ch. 361.
[61] Ibid., ch. 90.
[62] Ibid., ch. 477.
[63] Report 1908.

vestments that can be disposed of at fair prices and for enough to pay her indebtedness; and I hold further the opinion that the State should not own stock in banks or corporations, thus assuming a stockholder's liability and becoming a partner in business ventures."

At the end of 1911 the gross debt was $10,428,926.13, in excess of that of the previous year by $2,899,000, on account of the State Roads, Public Highways, and Hospital Loans. After deducting the bonds, in the sinking funds, amounting to $5,117,379.72, and other assets of the State aggregating $6,693,849.72, the net debt of the State was $3,735,076.41.

Suggested Economies in Administration.—Various economies in the carrying on of the state government have been suggested: (1) A central purchasing agency has been recommended to purchase all supplies furnished to state institutions, on the ground not only that money would be saved, but that the quality of the supplies would be improved. In 1912 the governor suggested that such an agency might consist of the governor, the comptroller, and the treasurer, with authority to employ a secretary especially fitted for the work. (2) A state architect should be appointed, it has been claimed by the governor and by a commission on appropriations. At present independent architects receive large sums from the State each year; the creation of the office of state architect, it is believed, would save the State some thousands of dollars, and would bring about uniformity in architecture in all new state buildings. (3) In 1912 the governor urged the enactment of a law requiring that all state money in the hands of the treasurer be deposited after advertisement in those sound banks which will pay the highest rate of interest. This would do away with the possibility of idle money.

In 1912 the governor made the following recommendations: (4) For all use of the public highways of the State by telephone, telegraph, electric light, electric railway, or like companies there should be imposed by the State a cer-

tain small license or franchise tax, and the sum so collected should be used for the maintenance of these state roads. (5) There should be an abolishment of counsel for the Boards of Election Supervisors throughout the State; of counsel for the Liquor License Board, the police commissioners, the insurance commissioner, the sheriffs, and like departments. This work should be done by the various state's attorneys, the attorney-general, and the city solicitor of Baltimore City. (6) A number of offices should be consolidated, that of the tax commissioner with the comptroller, the Live Stock Sanitary Board with the state veterinarian, the state veterinarian with the veterinarian of the Maryland Agricultural College, and the fire marshal with the insurance commissioner. These consolidations seem radical but logical.

At various times it has been observed that there should be no continuing appropriations by the legislature, all appropriations being made from session to session. This plan would no doubt be a clearer, more orderly system of appropriation. It is undoubtedly true that running appropriations in some cases cause waste. On the other hand, an educational institution of good rank might fail to receive its appropriation because of the whim of a group of legislators. Further, it may be doubted if, with the present short sessions and the dilatoriness of the legislature, the entire list of state appropriations of all classes would be covered at one session. If these difficulties might be eliminated, the plan of biennial appropriations should be a good one.

When dealing with the financial system of any American State the English budget system usually presents itself to mind. The lack in our own system of any approximately accurate estimate of future financial needs, of any fairly accurate harmonizing of future income and expenditure, suggests that plan of the English government. Whether the budget method could be grafted on our political tree, particularly in the States, may be a question. The need of something of the sort is not to be denied.

Taxes.—There are certain corporations doing business in the State whose profits are known to be more than fair and there are certain discrepancies in corporation taxation, and the latter are usually in connection with such corporations. One example of either the carelessness or the corruptness with which the corporation taxation laws are carried out is seen in the uniform return on gross receipts made year after year by any one corporation. For instance, the tax on gross receipts of the Adams Express Company for the year ending September 30, 1907, as given in the tax commissioner's report, was $3000, and again in 1909 it was $3000. It is rather unlikely that this tax should come out in round numbers when the great majority of taxes listed in the table in the report come to odd figures down to the cents column; and it may be taken for granted that this would not recur, for the gross receipts of such a corporation would not be so uniform from year to year. A fault of this sort is, of course, one of the conducting of an office rather than of its organization. But such discrepancies should be remedied. Another noticeable feature in the system of taxation is that the comptroller's reports show balances due from collectors of state taxes in the various counties in some cases amounting to thousands of dollars and running back ten, twenty, thirty, and more years; this indicates a weakness of enforcement.

In 1912 the governor recommended the repeal of all laws providing for discounts in the payment of taxes, state, county, and municipal: "The discount of the taxpayer who is able to pay in time . . . lessens the amount of taxes that he pays and the deduction in the amount paid by taxpayers of this class must be made up and paid by other taxpayers, who, for many reasons, cannot avail themselves of this reduction. It is manifest, therefore, that it produces an inequality among the taxpayers of the state." Nor does he think it a wise policy, because of the existence of these laws, to levy more money than is actually expended in carrying on the government. He estimates that there should

be a difference in the taxes collected in the State, city, and county of from $100,000 to $175,000.

Here we enter the more abstract science of taxation. Against this recommendation by the governor must be placed the theory that stands back of the system of tax discounting, namely, that by discounting taxes, many will be led to pay who otherwise might delay for a long time and against whom recovery might be had with difficulty. On the whole, however, the idea of tax discounting seems to be an erroneous one, especially since by it the monied classes are favored and the poorer classes are obliged to bear the weight of the system.

One need, however, in the tax system of Maryland stands out above all others,—that of uniformity and equalization. There has been great confusion in rates and methods in the various counties. This defect is coming to be realized, and some improvement should be effected. In 1910, recommendations for a general reassessment had come from the Federation of County Commissioners of Maryland and from various other quarters, and the governor strongly urged it, and along with it the establishment of some uniform system of taxation. In that same year, a reassessment of all property outside of Baltimore City was provided for, and in 1912 a return of all the counties but three showed an increase of $125,000,000 in the taxable basis of the State, according to the governor's report of the latter year.

The desired uniform system was not provided for, however, and the new governor again urged the need of "some central board to supervise and review the assessments then made (under the act of 1910) or any future assessments, in order to secure uniformity in the payment of the taxes in all sections of the State." "My observation of that assessment," he went on to say, "confirms my belief in the wisdom and necessity of such a tribunal."

In 1912 the governor, in pursuance of an act of that year,[64] appointed a "Commission for the Revision of the

[64] Laws 1912, ch. 779.

Taxation System of the State of Maryland and City of Baltimore." This commission reported in 1913, and made many criticisms and suggestions, which are, in substance, as follows:[65] The time when state taxes are due and payable is set by state law, but in practice their collection is controlled by the local laws providing for the payment of local taxes, and further, the date when local taxes are due and payable varies in each county. Although the amount of local taxes collected is many times the amount of state taxes collected, the charge of state taxes is in excess of the charge against the collection of local taxes. In some counties "local collectors advance to the State an amount which they estimate may be collected and make for themselves the amount of the discount allowed by the State," and in some counties there is great laxity in remitting back taxes. Almost numberless discrepancies in taxation throughout the counties are described. For example, Frederick County paid for the years between 1878 and 1911 on a basis less than in 1877, in spite of a great increase in property value; again, properties are assessed in some counties as low as twenty per cent of their market value.

Many of these faults are possible because there are no state laws providing for the audit of books of local collectors by state officers. It may be further remarked that many of the same criticisms apply to the method of collecting taxes from corporations. The commission urges the adoption of a plan by which there would be in each county a county supervisor, representing a central tax commission. It is stated that this method would secure more uniform standards of value and an equalization of assessment of property.

It is further pointed out that no state provision is made for the reassessment of real and personal property at regular intervals. The commission says: "The most glaring inequality is the variation in ratio of assessment to true value of property. The assessment of property is a business proposition, and should be put upon a business basis.

[65] See report, especially pp. 13–16.

To accomplish this we must accept the most modern and effective method—*control of all matters relative to taxation to be vested in a state board.*"[66] This need of a central state board of assessment and review which could equalize Maryland taxes has, in the past few years, been urged by the governor, the public press, and many interested persons. It seems safe to say that such a board will soon be created.

Summary

By way of concluding this chapter we may simply review a list of some of the more important suggestions that have been made along the lines of the various branches of financial administration in Maryland: (1) extension of the comptroller's and treasurer's term of office from two to four years, and making the treasurer's office an elective one rather than a legislatively appointive one; (2) increasing the state auditor's jurisdiction; (3) abolishment of the fee system; and institution of a uniform system of bookkeeping throughout state offices; (4) elimination of extravagances in the expenses of legislative sessions; (5) doing away with counsel for many boards and offices like that of the insurance commissioner; (6) establishment of a central purchasing agency; (7) establishment of a state architect's office; (8) consolidation of certain offices in the State whose work overlaps, as that of the State Live Stock Sanitary Board with that of the state veterinarian; (9) some remedy for the system of continuing appropriations; (10) enactment of a law requiring that all state money in the hands of the treasurer be deposited in good banks at interest; (11) the exercise of great caution in the present era of large debt contraction; (12) the possible inauguration of some such plan as the budget system; (13) elimination of the system of tax discounts; (14) the very greatly needed standardization and equalization of taxes throughout the State, and for this, the creation of a central state board of tax control and review.

[66] Report, p. 9.

CHAPTER V

General Economic Welfare

In the preceding chapters we have treated the four principal branches of state administration into which it is customary to divide a subject of this nature, namely, public education, public health, charities and corrections, and taxation and finance. There remains to be considered in this chapter a group of miscellaneous state activities.

The Public Service Commission of Maryland

This commission[1] is a comparatively new organ of administration, having been created in 1910. The governor appoints, and may remove after a hearing, the three members of the commission, one of whom he designates as chairman and all of whom serve six years according to a rotating system. A general counsel is also appointed by the governor, and a secretary is appointed by the commission. The general counsel represents the commission legally, and in complaints made against public service corporations he acts on behalf of the public. The commission has power to examine under oath, summon witnesses, and so on.

The jurisdiction of the commission extends to all public service business carried on either by state corporations or by those owning, leasing, operating, or controlling the corporations. This includes all common carriers, street railways in towns of not less than 2000 inhabitants, all corporations connected with the business of furnishing gas, electricity, heat, light, telegraph, telephone, water, or canal services,

[1] Code 1912, art. xxiii, secs. 413–468; Laws 1910, ch. 180; 1912, ch. 734, 162. For convenience the word "corporations" will be used here to include all corporations, companies, or concerns carrying on a public service business.

and all business of transporting freight or property. This jurisdiction involves general supervision of all public service corporations, power to examine their condition, capitalization, and franchises, all details of business and manner of conducting it with respect to adequacy, security, accommodation, and compliance with the law and with orders of the commission. The commission makes recommendations for changes in the public service laws. It prescribes a form of annual report for public service corporations, and may also require reports of earnings, expenses, capitalization, debts, salaries, and so on, within a specified time. No franchise nor any right under any franchise to own or operate a public service business may be assigned, transferred or leased, nor any contract or agreement made with reference to it, without the approval of the commission, nor may any construction or business be begun without such approval, given after a hearing to determine if it is necessary to or convenient for the public service.

Penalties are also prescribed for any failure to obey the orders of the commission, and the act of any officer or agent of a corporation is deemed an act of the corporation. The commission may investigate of its own motion any act or omission of a public service corporation, and must do so when such act or omission is in violation of the law or of any of its own orders.

Complaints against a public service corporation may be made to the commission, which is to forward them to the corporation concerned. If reparation for the alleged injury is not made by the corporation or there is no cessation of the violation within a given time specified by the commission, an investigation must be held provided there seem to the commission to be reasonable grounds for the complaint. When the commission makes investigation of such a complaint, it must either dismiss it or order the corporation to satisfy it. When the commission, after a hearing held upon its own motion or upon a complaint, is of the opinion that rates or charges are unjust, unreasonable, unduly discrimina-

tory, or unduly preferential, it must fix just and reasonable ones by order served on the corporation. When the commission similarly decides that the "regulations, practices, equipment, appliances or services" of a public service corporation are "unreasonable, unsafe, unreasonably improper or inadequate," it must fix regulations, appliances, and so on, by order served on the corporation. Provision is made to prevent one public service corporation from gaining control of another, and to prevent excessive indebtedness by such a corporation; supervision of this is given to the commission. The commission is also empowered to make valuations of corporations.

The law lays down a long list of rules for common carrier supervision, including applications for switches and sidings; filing, classifying, and publishing schedules of rates; setting up of joint tariffs between two or more corporations; use of rebates and drawbacks; giving undue preference to any person, corporation, or locality; granting free passes and reduction of fare; false rating, billing, weighing, and classifying; "long and short" hauling; distribution of cars and other facilities among shippers; investigating of accidents, and so on. The law for other public utilities is practically the same, with the addition of a few special provisions, as, for instance, that the commission is empowered to fix technical standards like "gas pressure" and "electrical efficiency" standards, and that no municipality except Baltimore may build or operate gas or electrical works without a certificate of authority granted by the commission, unless such works are for strictly municipal purposes.

John A. Lapp, in a brief comparative review of the Maryland Commission in the American Political Science Review, February, 1911, speaks of the judicial procedure laid down for the Maryland Public Service Commission as follows:

> The law wisely adopted the Wisconsin method for procedure in the courts. Actions may be commenced in the courts [that is, in the circuit court for any county or before any judge of the Supreme Bench of Baltimore City, or in any court of Baltimore City of

appropriate jurisdiction] to set aside any order of the commission as unreasonable within sixty days thereafter. The commission is given twenty days to make answer. Precedence is given over all other civil cases.

If on the trial any new evidence is presented which was not presented to the commission, the court is required to transmit the new evidence to the commission and stay further proceedings. The commission may change its order conformably to the new evidence or let the original order stand.

The value of this provision in preventing delays and in maintaining the credit of the commission is obvious. Complainants are induced to lay their whole case before the commission in the first instance. It has been a favorite method in cases of railroad commissions and the interstate commerce commission to attempt to discredit the orders of the commission by withholding important evidence until the case is brought into court. The commission's orders being overruled by the new evidence, has caused the loss of public confidence in the work of the commission. This provision is an effective remedy.

Appeal lies to the Maryland court of appeals. In all actions arising under this act the burden of proof is upon the party adverse to the commission—a striking provision.

It would seem scarcely worth notice that the Maryland Public Service Commission has the power not only to investigate but to regulate both rates and service, yet Mr. Lapp speaks of the New Jersey law as not including rate regulation. The official discretion that is allowed by the Maryland law should be a merit. It is a valuable aid to active commissioners. Mr. Lapp in considering the Maryland law concludes: "The commission under the Maryland law does not lack for power. As in the case of the New York and Wisconsin laws, certain defects of wording may be found after experience, but embodying as it does the substance and wording of the laws of those two States after corrective amendments had been made, it should be reasonably effective in its provisions."

On account of the fact that the Public Service Commission has not long been in existence it would be difficult to predict what its actual value to the State will be. As has been stated, the organization is good. Furthermore, the commission has, since its institution, dealt with a considerable number of minor cases. It may be noted, however,

that not a great number of cases of large importance have been handled by it, or if handled, have not been so settled, with the possible exception of the Gas Case, as to have any very great effect on any of the larger public service businesses of the State; so that some doubt seems to exist among the lawyers of the State as to its efficiency in the way of positive results. The need would appear to be greater activity rather than any change in machinery.

State Fire Marshal

The state fire marshal[2] is appointed by the governor, with the consent of the Senate, for a period of two years, and is removable by the governor for cause. His bond is $5000 and his salary $2500. He or his deputy must examine into the causes of all fires and into all suspected attempts to fire buildings, in which duties he may subpoena and swear witnesses. He reports annually to the governor. The expenses of the office are drawn from money paid into the state treasury by the insurance commissioner. At the request of the fire commissioners of Baltimore City or of the county commissioners of a county or of any municipal authorities, the fire marshal must make to them a report of any examination of a fire in their respective jurisdictions. In case incendiarism is discovered by the fire marshal, report is made to the state's attorney, who prosecutes. The fire marshal or his deputy may always enter or take charge of buildings which are burning, or which have been burning, and adjacent buildings; and may, at any time, inspect buildings which are public meeting places, such as churches, theatres, halls, hospitals, hotels, and schoolhouses, and may order provision of fire escapes sufficient for the public safety.

At the close of 1909 the fire marshal reported an examination into the causes of 357 fires of unknown origin, and 27 arrests on the charge of arson, from 17 of which conviction

[2] Code 1912, art. xxiii, sec. 222 ff.

resulted. At the end of 1911 the number of fires investigated reached 4000, the number of arrests 94, and the number of convictions 80.

The use of the word "may" emasculates the law; what is needed is to require regular and systematic inspection of all public buildings, and to grant to the fire marshal power to order "fire-traps" torn down. It has also been recommended that the office of fire marshal be consolidated with that of insurance commissioner, which would probably be a wise measure.

Licenses

It is interesting to note the attitude of the State of today toward the whole field of business, as seen in its requirement of licenses.[3] This is more than mere taxation; in many cases certain conditions must be complied with before the State will accept the license tax and allow a certain business to continue. A system has been arranged in Maryland whereby licenses are to be paid to the clerks of the circuit courts of the counties and of the court of common pleas of Baltimore City. In all licenses except those for fishing and for horseracing the license term expires on the first day of May after issuance. If the holder of a license dies, the license may be transferred to the widow, executor, or administrator. It is made the duty of sheriffs and constables to enforce the license system before justices of the peace. The system covers auctioneers, billiard establishments, brokers, sale of liquors and other things at fisheries, sale of liquor at horseraces, hawkers and peddlers, shipping brokers, traders and manufacturers, all sale of spirituous and fermented liquors by retailers, "ordinary-keepers" (hotels), oyster and eating houses, sale of intoxicating liquors by clubs, shows and theatrical exhibitions, shows of agricultural fair associations, stallions, gypsies, and telegraph and express companies.

[3] Code 1912, art. lvi, sec. 1 ff.

The law regulates the business of pilots, who are required to take examination and receive license from a "board of examiners of Maryland pilots," consisting of the presidents of the Baltimore Board of Trade, the Corn and Flour Exchange, and the Maryland Pilot Association.[4]

The governor issues certificates to persons qualified to practice as public accountants. He appoints a board of examiners who hold office for two years; two of them must be public accountants and two must be practising attorneys. Examinations are held at least once a year for applicants for certificates, and fees are charged to cover examination expenses. Upon recommendation of the board the governor issues the certificates, which he may revoke "for sufficient cause," after a hearing.[5] Other licenses are treated in various other parts of this study.

State Board of Law Examiners

There is a State Board of Law Examiners,[6] consisting of three members of the bar of at least ten years' standing, who are appointed by the court of appeals and hold office for three years, but are eligible for reappointment. This board examines all applicants for admission to the bar, and reports to the court of appeals.

Land Office

Under the constitution of 1776 there were two registers of the land office,[7] one from the Eastern Shore and one from the Western Shore, who kept records of land grants. By the constitution of 1851 there was created the single elective office of commissioner of the land office. Under the present constitution the commissioner of the land office is appointed by the governor. The land office has charge of all land

[4] Code 1912, art. lxxiv.
[5] Ibid., art. lxxvA.
[6] Ibid., art. x.
[7] Ibid., art. liv.

maps and records, the granting of patents, the issuing of warrants to survey and resurvey land (by orders to county surveyors), the hearing of disputes concerning surveys or patents given under its authority, and the survey and disposition of all public unclaimed lands. Land patents are signed by the governor; certificates of surveys must be returned by surveyors within six months. A system of fees is laid down for surveys, patents, and so on. The clerks of courts of the counties are keepers of the land records of the counties, and send to the state land office accounts of all transfers. In 1911, 132 land warrants were issued and 72 executed; 89 patents were made, granting 5864 acres of vacant land and bringing into the state treasury $5118.60.[8]

Roads

From the time of the constitution of 1851 there have been county road supervisors;[9] but until recently no great attention was paid to building better highways. Within the last few years the State has made great advances in this line, and is now constructing an elaborate system of roads.

In 1906 there was passed the State Aid Highway Act, which provided for a system of cooperation between the State and the counties, each bearing part of the expense. This act also provided for the construction of State Road No. 1, which is the pike between Baltimore and Washington. For this purpose an annual appropriation of $50,000 was made for the years 1908, 1909, and 1910. Under this State Aid Highway Act, supervision of the road work was given to the Highway Division of the Geological Survey. In 1908 a system of strictly state roads was provided for, and the work was placed in charge of a State Roads Commission.[10] At first these two authorities acted separately, until in 1910 they were wisely consolidated, and the work was given over to the latter authority.

[8] Report 1912.
[9] Code 1912, art. xci.
[10] Laws 1908, ch. 141.

The State Roads Commission created in 1908 consists of three persons appointed by the governor and two persons designated by him from the "geological and economic survey," together with the governor himself ex officio; the commission is to continue until the work for which it was created is completed. The governor designates the chairman and has power of removal of the members. Those appointed by him receive $2000 per year, and the chairman receives $2500. The commission is authorized to engage a secretary, a chief engineer, and all necessary employes. Its members are personally to inspect the public highways of the State and the work being done on them. Maps and statistics relating to the public roads and showing the progress of the work being done on them are to be published annually. The purpose of the commission is stated to be to improve generally the highways of the State, for which it is given extensive powers of survey, condemnation, and construction of roads and bridges, of entering into contracts with persons and municipalities, of calling upon the Maryland House of Correction for laborers for stone quarries, of establishing such stone quarries, and the like. The commission may make arrangements with counties for county construction, in which case it supervises generally and pays upon completion. The completion of the "general system of roads" for the construction of which the commission was created is limited to not later than July 1, 1915, in the original law. Many special provisions were made, as for instance that a boulevard should be constructed between Baltimore and Annapolis.

The law of 1908 created a State Roads Loan of $5,000,000, for the "establishment, construction, improvement, and maintenance" of the general system of public roads; the annual expenditure of this was limited to $1,000,000. This was apportioned among the counties in proportion to their public road mileage. In 1910[11] another loan, called the Public Highways Loan of 1910, and amounting to $1,000,-

[11] Laws 1910, ch. 116.

000, was created. In the same year the commission was given power to regulate traffic on public roads by means of issued orders, for the purpose of preserving these roads, particularly against such traffic as would produce more than the ordinary wear and tear, such as very heavy wagons and automobiles. There is appropriated $200,000 annually to aid in the building of county roads.

In 1912[12] a third loan of $3,170,000 was provided, to be known as the State Loan of 1912; this was specifically apportioned among enumerated counties and roads. At the same time there was made the "temporary roads loan;" this authorized the State Roads Commission to make temporary loans in "such sums as it may require" on credit of the loan of 1908, in order to meet temporary needs.[13] Also in 1912 it was made the duty of the State Roads Commission to keep in repair all state roads constructed or improved by it.[14]

A brief chronological review of the work done under the above laws, including mention of some of its advantages, is obtained from the governor's biennial summary of the commission's report as follows:

> Since the passage of the State Aid Highway Act at the beginning of my administration twenty counties out of the twenty-three have in greater or less degree accepted the aid which the State has been prepared to give them . . . seventy-five miles of highways have been built . . . while the engineers of this department have frequently advised the counties and municipalities of the State regarding local road and street improvements.
>
> The visible results of the work already finished induced the passage in 1906 of an Act for independent construction by the State of a modern highway between Baltimore and Washington.
>
> The precedent thus established for the construction by a state of main lines of travel—'market roads'—if pursued to the fullest extent of the State's resources would materially hasten the improvement of the roads so well begun by the counties themselves under the State Aid Act. The efficiency of the present general act might well be supplemented by the passage from time to time of special acts authorizing the construction by the State of some of our main thoroughfares. The most progressive governments of the world to-day recognize the imperative need of smooth roads with easy grades, if the people are to reach their highest economic development.

[12] Laws 1912, ch. 370.
[13] Ibid., ch. 361.
[14] Ibid., ch. 375.

By the end of 1909 the commission had visited, as authorized by law, all the counties of the State, and after conferring with the people of each had laid out a system of state highways for improvement. In addition they had surveyed 431 miles of road and had contracted for the construction of 108 miles, 75 miles of which had been graded and 43½ miles had been completed. Also under the state aid system 38 miles had been completed. Roads are 14 feet wide, 8 inches deep, and are macadam, except in some counties of the Eastern Shore and Southern Maryland.

The commission reported in 1908 a desire to decrease the cost of construction, and the governor recommended in a message to the legislature a law authorizing the labor of convicts from the jails and other penal institutions of the State on road work, in getting out material in quarries, and "in other capacities where they can be safely and conveniently used," saying that this system had worked successfully in the South, and that it would not only be a return to the State on the cost of maintaining its prisoners, but would be good for the health of the prisoners themselves. The owning and operating of its own quarries by the State was suggested as another means of reducing the cost of road construction.

In 1910 the governor recommended that in counties where it had not already been done a system of repair of roads other than those comprising a part of the state system be adopted. "Improvement along this line is more vital and important than the improvement of the main state highways, which necessarily constitute a very small part of the roads used by the people in the transaction of everyday business." This is true. The main state highways, to be of greatest value to agriculture, for instance, must be supported by ramifications of smaller roads. For example, the Washington-Baltimore "pike" furnishes access to large city markets, but to be of greater benefit to the farmer it must have good branch roads. One farmer remarked that it was more trouble to drive to the new state roads than to use the old roads.

By the beginning of 1912 the aggregate number of miles of state road built or under contract was 333.63. At the time of consolidation of the state work and the state aid work, 169.60 miles had been completed under the latter system. It is interesting to note that the governor in 1912 claimed that Maryland was the first State in the Union to adopt a policy of building the main arteries of public travel solely at state expense. Demands are now being made upon the legislature for a further loan for carrying on the road work. The necessary amount has been variously estimated. One bill as drafted fixed the sum at $6,000,000; the present governor has asked for that amount.[15] The cause is good, and the construction of the system, having been undertaken, should be completed. Perhaps the most important consideration for the future is that careful provision should be made for the preservation of these roads after their construction at such great expense.

State Sidepath Commissioners

There are five state sidepath commissioners[16] appointed by the governor for terms of five years, who receive expenses but no other compensation, and who are authorized to appoint county boards of sidepath commissioners. They are to construct sidepaths along highways for the use of bicycles, and to charge license fees for users of them; these fees go toward the construction and repair of the paths.

Commissioner of Motor Vehicles

In 1910 there was created the office of commissioner of motor vehicles.[17] The commissioner is appointed by the governor, with the consent of the Senate, for a term of two

[15] At the present session of the legislature efforts have been made by Baltimore City politicians to force the passage of a "pork-barrel" bill, which, in providing for funds for the roads, would give an unusually large share to Baltimore City.

[16] Code 1912, art. xci, sec. 83 ff.

[17] Laws 1910, ch. 207, sec. 131; Code 1912, art. lvi, sec. 133 ff.

years, at a salary of $3000 and with a bond of $20,000. He is removable by the governor for official misconduct or incompetency. The governor also approves his appointment of subordinates, and prescribes the number of hours his office in Baltimore shall be open. Every owner of a motor vehicle must, once a year, register his name and address, with the make and a brief technical description of his vehicle, and receive a certificate, to be carried with his vehicle, and two metal number plates, to be displayed conspicuously on the machine. Only one plate is provided for use on a motorcycle. Dealers and manufacturers may take out special licenses. Registration fees run from $6 to $100. Operators' licenses must also be taken out at the commissioner's office.

The commissioner may revoke or suspend licenses, but in case of refusal to grant a license or in cases of revocation or suspension of license, appeal lies to the governor. Special provisions are made for the use in the State of motor vehicles by registered and licensed owners and operators of other States. "The governor is authorized to confer with the proper officers and legislative bodies of other States and enter into reciprocal agreements under which the registration of motor vehicles owned by residents of this State will be recognized by other States; and he is authorized to grant to residents of other States the privilege of using the roads of this State as provided in Maryland laws, in return for similar privileges granted to Maryland residents by other States."

When a motor vehicle is deposited as security and is forfeited, the commissioner sells it at auction. All fines, penalties, and forfeitures of bonds or vehicles under the motor vehicle laws are turned over to the commissioner, who, after deducting necessary expenses of salaries and office-running, pays over the surplus to the state treasurer. This surplus is divided each year; one fifth goes to Baltimore City and four fifths to the State and counties, to be used for the construction and maintenance of the public roads. Motor vehicles used by the police department, fire department, or

salvage corps of any village, town, city, or county, and all ambulances, road rollers, street sprinklers or sweepers or cleaners, and traction engines used for hauling agricultural machinery, are exempt from the motor vehicle laws. The commissioner appoints a Maryland citizen to act as "motor vehicle agent" in Washington, D. C.; he receives a salary of $1500, and issues Maryland motor licenses.

By 1912 the Maryland commissioner of motor vehicles had collected $103,000 in licenses. The governor then estimated that within a few years the amount thus collected would reach a sum sufficient to defray all the expenses of the maintenance of the state roads. There is now a movement greatly to increase the motor vehicle licenses, with this end in view. If the license fee is not made excessively high, the system is logical, considering the fact that automobiles are perhaps the most disastrous form of traffic to macadam roads. It has been recommended that the work of the commissioner of motor vehicles be consolidated with that of the State Roads Commission, a plan which is logical, and which would save administration expense.

Natural Resources

Game.—The governor appoints every two years a state game warden,[18] who receives a salary of $1200 and expenses. He enforces the game and fish laws of the State. With regard to the enforcement of the fish laws the governor in 1908 wisely said: "I am still of the opinion that the State Game Warden's duties should be limited to the protecting of game; the protection of fish should be under the jurisdiction of the Fish Commissioners." There are a large number of laws dealing with birds and game, otters, raccoons, muskrats, and so on. Sheriffs, constables, officers of the State Fishery Force, and commissioned militia officers may arrest for violation of these state game laws. The game warden may appoint, subject to the approval of the

[18] Code 1912, art. xcix, sec. 1 ff.

governor, deputy game wardens, who receive as compensation a portion of the fines. The game warden may call on the State Fishery Force for assistance, through the governor and the Board of Public Works. There are also laws for the preservation of diamondback terrapins, restricting the catching, regarding the size, the season, and so on, and prohibiting the destruction of the eggs; they are enforceable by game wardens, constables, and officers of the State Fishery Force.[19]

Lack of funds has always been a complaint in the game warden's office. Fines for violation have amounted to almost nothing, and the appropriation has always been small, in 1913 being $2600. We quote from the game warden's report of that year:

> The real determent to a proper administration of this department is the meagre sum appropriated for its purposes. It will readily be appreciated, by anyone giving thought to the subject, that $2,600.00 a year is an insignificant and totally inadequate sum to be appropriated by the State for game and fish protection, if there is any real intention to protect the same.
>
> This sum does not, of course, warrant anything in the nature of a paid deputy game warden system. . . .
>
> One of the greatest drawbacks to game and fish protection in Maryland is the multiplicity of local laws—laws probably meant to protect, but which experience has proven to be one of the greatest means of extermination.

The warden recommends a uniform system of game laws, a state-wide gunners' license law, a uniform non-resident gunners' license law, a paid game warden system, a giving to wardens the right of search, and the making of state laws conform to federal game laws.

Fish and Oysters.—There are two commissioners of fisheries,[20] one from the Eastern and one from the Western Shore, appointed by the governor with the consent of the Senate for terms of two years, and with salaries of $1500 each. They inspect all waters of the State with a view to stocking them with fish, and propagate the fish for this purpose. They keep in communication with the United States commissioner of fisheries and with the fish commis-

[19] Code 1912, art. xcii, sec. 1 ff.
[20] Ibid., art. xxxix, sec. 1 ff.

sions of other States. They are charged with constructing fishways or fish-ladders to admit the passage of fish over dams and other obstructions in the upper Potomac and in other rivers and streams in the State. It was provided in one act that they should examine into the expediency of cutting a channel around the Great Falls of the Potomac to admit the passage of fish from tidewater into the upper Potomac, but this channel has never been cut. It is also especially provided that they are to do everything possible to exterminate eels. They report annually to the governor, and make suggestions for legislation for the propagation and protection of food fish in the State. The governor transmits this report to the legislature. Ten thousand dollars, or as much of it as the governor thinks necessary, is appropriated annually for their work. A system of licensing is laid down by the Maryland laws for certain kinds of fishing (for example, by net), for selling fish, and so on; these licenses are obtained from the court clerks, and penalties for violations are provided.

The oyster[21] legislation in Maryland has been copious, and regulates tonging, culling, dredging, packing, and time for taking oysters, as well as the locating of private oyster lots. Licenses must be taken out from court clerks for tonging, dredging, and packing. License fees go to the credit of the "oyster fund."

There are three bodies of officers who have to do with the oyster industry in the State: the State Fishery Force; general measurers and inspectors, under the commander of the State Fishery Force, and really a part of that same branch, and the Shellfish Commission. The State Fishery Force is under the Board of Public Works. It appoints a commander of the force, who has charge of one steamer regularly in commission. Deputy commanders for various oyster boats, who appoint their own subordinates and crews, are commissioned by the governor. No commander or deputy commander may be interested financially in a scrape or

[21] Code 1912, art. lxxii.

dredge boat. The Board of Public Works buys arms and ammunition for the boats. The state waters are divided into seven districts, each with a prescribed number of guard boats; but any guard boat may be used in any part of the State by order of the Board of Public Works or of the commander. The board may remove any officer of the force for neglect or incompetence; the commander may suspend any officer; the commanding officers may remove subordinates and fill their places.

It is the duty of the force to prevent violations of the oyster and fish laws. The commander has control of the entire force, and under the supervision of the Board of Public Works has power to direct its movements; he has an office in Annapolis, and a clerk who remains there issues the necessary orders to the force, consults with the commander, and in the latter's absence makes monthly reports. At this office are received all complaints and all applications for assistance. The commander receives a salary of $1500. Financial reports must be made monthly to the Board of Public Works.

At each session of the General Assembly the governor appoints nine "general measurers and inspectors," four for Baltimore City and five for other districts of the State. The commander of the State Fishery Force appoints not over twenty "special inspectors" at the beginning of the oyster season every year, whom he may remove for cause. To help defray expenses, a small charge is levied on all oysters unloaded and sold, that is, one cent per bushel,—one half cent from the buyer and one half cent from the seller. The inspectors inspect and certify the quantity of merchantable and unmerchantable oysters unloaded.

The commander has general control of general measurers and inspectors and special inspectors, whether appointed by himself or not. The general measurers and inspectors supervise inspections made by the subordinate inspectors, and are also especially charged with inspecting all oyster measures; they have the power to enter premises and arrest

violators. They must return annually to the comptroller a statement of the quantity of oysters measured in their respective districts. All inspectors report monthly to the commander of the State Fishery Force. Private measurers in Baltimore city must take out licenses to do business, and any one of them may, if a charge is pending against him for violation of the laws concerning oysters and their quality and measuring, be suspended from business by the general measurers and inspectors in Baltimore City.

In 1906 there was enacted an "oyster-culture" measure, known as the Haman law,[22] by which residents, but not corporations, may lease private oyster beds. Until that time all oysters had been taken by tongers, and there existed many "barren bottoms" in state waters which might well produce oysters if they were cultivated. This would bring profit to the individuals who undertook the culture, would increase the oyster industry and thereby the prosperity of the State, and would incidentally bring revenue into the state treasury. The idea was to make a survey of all the oyster beds and barren bottoms of the State, to reserve to the tongers all of the natural beds which they had hitherto had the privilege of using, but to lease the barren bottoms at small rentals to individuals who would undertake oyster farming. For the purpose of making the survey and establishing the system of leasing, a Board of Shellfish Commissioners was created.

The Board of Shellfish Commissioners consists of three members appointed by the Board of Public Works, one from some tidewater county of the Eastern Shore, one from a tidewater county of the Western Shore, and one from Baltimore City; one of them must be of the minority party. Their term is two years; and none of them is to be interested in any land taken up for bedding, planting, or cultivating oysters; one member is designated by the Board of Public Works at a salary of $2000, and the others receive $1800. The commissioners employ clerks and assistants

[22] Laws 1906, ch. 711.

and a surveyor who is also a hydrographic engineer and who receives $2500. If he is also a biologist, capable of investigating oyster propagation, the sum of $500 is appropriated for such investigation by him, including the establishing of one or more "stations." The expenses of the commission are paid from the revenues arising from the leasing of land for oyster culture; an office is provided at Annapolis.

A survey of the natural oyster beds, bars, and rocks, and the delineation of it on copies of United States Coast and Geodetic Survey maps, was ordered made, marking off definitely the natural beds from the then barren ones which were to be leased. The commissioners were given power to call to their assistance any county surveyor, paying him legal rates for his services. Crab bottoms were to be delineated as well as oyster bottoms. One steamer of the State Fishery Force, under command of the deputy commander, was put under the control of the commission from April to October of every year.

A leasing system was provided by law, with certain set rates and periods. All revenues arising from this system were appropriated to the commission for its expenses, the surplus to go into the state treasury to the credit of the Special Road Fund. The commission prepares annual reports in the form of published pamphlets, including financial statements and recommendations for legislation. In 1908[23] the commission was also charged with surveying the clam-rocks of Pocomoke Sound in Somerset County and delineating them on the map already mentioned; these rocks were to be set aside, like the natural oyster beds, for the use of the public.

For a while the oyster-culture system seemed to work well. In 1908 the governor said: "The Haman plan of leasing the barren bottoms of the Chesapeake Bay and its tributaries, on fair rentals, the revenues from which shall be applied to the building of good roads in Maryland, has already been more than justified."

[23] Laws 1908, ch. 590.

In 1912 the governor stated that the system established by this act of 1906

> fully protects in every way the interest of those engaged in tonging and dredging oysters, by the reservation for all time to this class of our citizenship, of the free and exclusive use of the natural oyster area of the State, and is the most thorough oyster survey that has ever been made in any State in the Union.
>
> And for the first time in the history of Maryland, a condition prevails whereby private planting on barren areas in the Chesapeake Bay and its tributaries can be fairly and impartially tested without in any manner conflicting with the rights of oystermen, or ever arousing a suspicion on their part of any possible interference with their ancient privileges.

In 1912 the commission reported the survey completed. As a survey measure they stated that the act of 1906 was wholly satisfactory, but as an oyster-culture measure, unsatisfactory. It is to be remarked, however, that the defects pointed out were of concern to the State and to the oyster culturists, and were not in line with arguments which had been made by the tonging element in criticism of the Haman act.

At the present time the question of oyster culture has become acute. There had been a growing dissatisfaction with the system on the part of the oystermen, or tongers, which led in the latter part of 1913 to a so-called "oyster-war." This was due to the fact that the tongers resented having been excluded from any oyster bottoms of the State. There has been much agitation and much propaganda on both sides, and at the present (1914) session of the legislature efforts are being made to have the Haman law repealed, which efforts in turn are being opposed by the so-called proculturists. The contention of the oystermen is that it is their natural right to have the use of all oyster bottoms in the State. Incidentally they argue that in some cases the survey has classed as barren bottoms, and therefore as bottoms leasable by the State, certain bottoms which were natural beds; also that the oyster-culture system has not been a success, that few persons have leased bottoms, and that little revenue has accrued to the State from the system. But these conditions, if true, indicate mistakes in

method and not in principle. That the tongers' arguments are wrong in principle is very obvious, for no such group of persons can possess the inalienable rights to property not their own which they claim. And that their arguments are wrong in general practice may be demonstrated by the splendid results obtained in other States from oyster-culture systems, as, for instance, in Rhode Island and Virginia. If it be granted, as perhaps it must be, that the culture system has not been a great success in Maryland, the remedy for this is very apparently correction of the system rather than abolition of it.

In concluding this section on the administration of the fish and oyster industries in Maryland, the need of consolidation may be emphasized. The scattering of identical or similar duties among so many different departments is unnecessary. It would seem wise to take from the state game warden all enforcement of fish laws, and to give this work to a new central department, which would consist of a consolidation of the other three branches, namely, the State Fishery Force, the commissioners of fisheries, and the Board of Shellfish Commissioners.

Agriculture.—Under this head will be considered the Live Stock Sanitary Board and the chief veterinary inspector, or state veterinarian, the tobacco warehouses, and the agricultural work done under the board of trustees of the Maryland Agricultural College.

The governor appoints, with the consent of the Senate, the three members of the Live Stock Sanitary Board,[24] who must be engaged in breeding live stock. Their term is two years and their compensation five dollars a day, plus expenses, for actual time. The duty of the board is to "protect the health of the domestic animals of the State." The board has power to establish quarantine, sanitary, and other regulations, and to prevent the introduction into the State of diseased animals by requesting the governor to proclaim a quarantine on animals from certain States. The local

[24] Code 1912, art. lviii, sec. 1 ff.

boards of health are charged with investigating live stock diseases and reporting immediately to the board.

The governor appoints a chief veterinary inspector,[25] who must be a graduate of a recognized school of veterinary medicine, and who receives $1000 and expenses and has under him assistant inspectors. His work is to visit farms, stables, and railway cars, and to make regulations for the isolation, disinfection, destruction, or quarantine of animals. Sheriffs and constables are to cooperate with him in carrying out his orders. He also superintends the slaughter of diseased animals at regular slaughter houses. His work is intimately connected with that of the Live Stock Sanitary Board.

All veterinary practitioners must report to the board cases of contagious live-stock disease. Only by permission of the board may an animal be inoculated with the virus of a contagious disease. The law specifically prohibits the exposure or sale of infected animals. Infected animals, buildings, and feeds are appraised and destroyed. The appraisal is made by two persons, one appointed by the inspector and one by the owner, or, if the owner neglects to appoint, both persons are designated by the inspector; and in case of disagreement, these two appraisers appoint a third. Appeal lies to the circuit court. The Live Stock Board is to cooperate with the Bureau of Animal Industry of the United States Department of Agriculture. In the case of an epidemic it may appoint special assistants to the chief veterinary inspector.

All persons supplying milk to cities, towns, and villages must register their herds with the board, which at least annually must, without notice, have such dairies inspected, and, if any one of them is found insanitary, prohibit further sale of milk from it until the premises conform to certain sanitary rules. The board furnishes dairies with certificates of health, which it may revoke at discretion.[26]

[25] Code 1912, art. lviii, sec. 5 ff.
[26] Ibid., sec. 20 ff.

The importation of dairy or meat cattle into Maryland is prohibited without a certificate of health from the proper officers of the State from which they came. Cattle sent in without this are held by the State and examined at the expense of the owner.

In 1902[27] a commission termed the "Cerebro-Spinal-Meningitis in Horses Commission" was created, with five members appointed by the governor, including the professor of pathology in the Johns Hopkins University and the veterinarian of the Maryland Agricultural College. Its duty as outlined was investigation of the cause, origin, treatment, prevention, and cure of cerebro-spinal meningitis in Maryland horses. No salaries were provided, but expenses were to be paid from an appropriated sum of $2000. In 1906 an act extended the powers of the commission to other diseases of horses and cattle, to include the "investigation of immunization of cattle against contagious diseases."

In Maryland's treatment of horses, cattle, and other farm animals we find another example of administrative disintegration. This last named commission was created while there were two other departments dealing with almost the same subject. In addition to these offices there is also a Maryland Agricultural College veterinarian.

In 1908 the State Live Stock Sanitary Board recommended the passage of a law providing that every owner, manager, or operator of a creamery should, before delivering any skimmed milk, cause it to be pasteurized at a temperature of at least 185 degrees Fahrenheit. This recommendation raised still another question of jurisdiction. We find the Live Stock Board attempting to regulate the purity of milk, and we have already seen that the State Health Department has a similar task. Of course, the value of a live stock sanitary board is not questioned, and it should cooperate with the Health Department and all departments on whose spheres it borders. But these should be distinctly outlined and should not needlessly overlap.

[27] Code 1912, art. xliii, sec. 192.

permits for child employment, and for carrying on this branch of its work receives from the State $12,000 annually. The bureau chief is authorized to employ, in addition to the eight inspectors, one or more physicians, at a total compensation of not over $2500, which is to be paid by Baltimore City.

The chief of the bureau reported in 1908 that "the enforcement of the Child Labor Law has received special attention since its adoption," and that a total of 20,087 permits to work had been given to children between twelve and sixteen years of age. He also stated that the sweat shop law was "vigorously enforced," and that the clothing industry in Baltimore, which gives employment to 18,000 people and has an output estimated at $25,000,000, was well regulated. In 1912 he reported that in 1911, under the child labor and factory laws, 23,599 places had been visited, 649 more than in 1910; and that the law prohibiting the employment of children under sixteen years of age more than ten hours a day was being well enforced.

The provisions concerning the age limits for employment are so variously and confusingly set forth that it is difficult to generalize concerning them. Generally speaking, the minimum age is twelve in some employments, fourteen in others, and sixteen in certain enumerated dangerous employments. There are also provisions requiring a certain amount of schooling. Every child employed under sixteen years of age must receive a certificate from the Industrial Bureau; this certificate vouches for age (on authentic evidence), a certain physical development, a certain amount of schooling, and so on. It is issued in Baltimore by the Industrial Bureau and in the counties by school superintendents acting for the bureau.

State Wharfinger[52]

The governor, with the consent of the Senate, appoints every two years a state wharfinger[53] in Baltimore City. This official takes charge of the wharves in Baltimore belonging to or rented by the State, and charges wharfage fees. His compensation is $250 a year plus one fifth of the fees.

Weights and Measures

A system of standard weights and measures[54] is provided in the State, based on the United States standards. The administration of this system in the counties is placed in the hands of the county commissioners, who appoint "keepers of standard weights and measures." These keepers inspect all weights and measures and brand them with the letters "Md. S." (Maryland Standard), and investigate the use of fraud in weighing and measuring. There are special standards established by the State for different products, particularly for fruits and vegetables.

A platform scale for weighing tomatoes is kept in Baltimore City by the Board of Public Works. This was established by act of 1910,[55] and by the same act the office of weigher was created. This weigher, who is appointed by the governor, weighs all vegetables sold by weight that are brought to Center Market Space in Baltimore City, charging for this service a small fee.

State Weather Service

The State Weather Service[56] is under the control and management of the Johns Hopkins University, the Maryland Agricultural College, and the United States Weather

[52] Code 1912, art. xcviii.
[53] Section 1 of this article reads "one or more wharfingers," but all other sections refer to a "state wharfinger."
[54] Code 1912, art. xcvii.
[55] Laws 1910, ch. 738.
[56] Code 1912, art. xcviA.

Service. Its officers are a director, designated by the president of the Johns Hopkins University; a secretary-treasurer, designated by the president of the Maryland Agricultural College; and a meteorologist, designated by the chief of the United States Weather Bureau. These officers constitute a board of government under the direction of the institutions from which they receive their appointments. They receive no compensation.

The central station is at the Johns Hopkins University. The board of government was authorized by the act creating it[57] to establish, if practicable, one or more voluntary meteorological stations in each county, under its supervision, to cooperate with the chief of the United States Weather Bureau. The board is authorized to print weekly and monthly reports and distribute them in the State. Annual reports are made to the General Assembly.

State Manual

The secretary of state is required to publish annually a State Manual[58] of general information, including lists of officers and their salaries, amounts of the public school tax, the gross and net debt of the State, appropriations to educational and charitable institutions, and similar information. This work is somewhat similar to that of the Bureau of Statistics and Information (Industrial Bureau), and might be consolidated with it.

Conclusion

It seems unnecessary, except in a very broad way, to set forth here the conclusions and recommendations which have been made throughout the preceding paragraphs and which have been recapitulated at the close of each chapter. Most of them may be included in the statement that greater centralization and correlation of functions are needed.

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[57] Laws 1892, ch. 329.
[58] Code 1912, art. lxxxv.

We have seen that in public education the system of primary and high schools has been fairly well organized under the control of a state board; that in lower education the need is for greater uniformity and standardization in the prescribing of courses of instruction and especially in the choosing and regulating of teachers—a need of a civil service system which will work justice both to the teachers and to the State; and further, we have seen that in collegiate education there should be some central supervision leading to high and uniform standards.

In the field of public health the demand is for greater central power that will enable the very efficient State Board of Health to enforce local sanitation and better to control the local health officers.

In that branch of the state government which deals with public charities the deficiencies are great. Maryland has pursued a policy of haphazard benevolence, appropriating for the benefit of private and special interests as well as for public general ones. She has a board of charities which, in spite of efficiency in its sphere, is limited in its powers. We can now see, however, indications of a tendency to adopt the only proper policy—that of cutting off private and special interests from state aid, and of granting assistance only to state institutions and organizations. And for the proper conducting of this policy there should be a board of state aid and charities which will be not merely advisory, but supervisory. The treatment of the insane by the State embodies the best principles that the State has yet put into practice. Here it has been undertaken to make the care of all indigent insane persons a state matter, state insane hospitals in charge of trained physicians having been established and a Lunacy Commission composed of experts having been created. The plan of state care, so well begun, should be made complete.

The page which Maryland has written in the story of the treatment of criminals has been black. Recent investigations, bringing to light, as they have, cruelty, filth, and cor-

ruption in its correctional organization, will undoubtedly lead to striking reforms. And these reforms will be based on modern ideas of reformative rather than punitive justice. Proper sanitation and medical treatment will be established. Corruption among officers and convicts will be eliminated, it is hoped. Unnecessarily cruel punishments will be abolished. First offenders will be kept from hardened criminals and their evil influences. The unjust system of contract labor will be done away with, and convicts will be given more healthful occupation in the open air, on farms, or perhaps on the roads of the State. The indeterminate sentence and a special board of pardon and parole will perhaps be established. It may even be that an honor system will be tried, now that other States, as for instance, Colorado, have demonstrated its practicability. The entire system, instead of being divided among separate and independent boards and chiefs liable to corruption, should be united under one central and enlightened board.

Again, in the field of finance, or more properly in one of its large divisions, that of taxation, the need is for centralization. There has been injustice and inequality in the levying and collecting of taxes throughout the State. From these conditions of distintegration has arisen the demand for a central board of assessment and equalization that would correct the evils and make taxation more uniform and equable.

Finally, throughout many of the various minor branches of administration there is seen the need of centralization. Numerous offices now carrying on identical or similar work should be combined.

However, centralization and integration are not to be confused. It is true they are very closely related and usually go hand in hand; yet they are distinct. We may even find a considerable amount of centralization in a government, and at the same time an inconsiderable amount of integration. In fact, this is true of Maryland administration when viewed as a whole. Many departments lack central power,

but in their relation to the governor are fairly well "centralized" in the sense that their chief officers are appointed by the governor. Nor does the governor lack greatly in power of removal. One difficulty is that in a number of cases an officer is appointed by the governor but is responsible to the General Assembly; in fact, in many instances where reports are made to the governor they must be transmitted to the General Assembly, and the governor's part tends to become only nominal.

This need of integration implies putting branches of a department in closer connection with each other as well as with the department, and placing the departments themselves in closer relation; in other words, it is a need of cooperation. And along with this goes the need of standardization, as, for instance, in the schools.

This need of integration of the departments suggests some system modelled more or less after the plan of the British Ministry. The advantages gained by such a correlation of departments would be numerous. If heads of departments were permitted to take part in legislative discussion, the present necessity of lobbying would be obviated. Furthermore—and this is important—if some budget plan were adopted, the present disconnected, haphazard system of appropriation would be greatly improved.

The need of trained experts cannot be overemphasized. They are already found in many administrative departments, but their proportion should be increased. They need not necessarily fill purely advisory positions; these may be occupied by men of general ability who can dictate wise policies and at the same time keep in touch with the public. But the actual work itself should be carried on by experts who would not submit to the vicissitudes of politics, men who are given good remuneration and long tenure. The whole system should be conducted very much as is a great railway, with a board of directors of supervisory capacity, but with workers trained each in his own special branch.

Recent writers have commented approvingly upon the

increasing power of the governor in certain of our States.[59] President Lowell attributes this changed condition to the growing distrust of the American legislature, and points out that it takes place partly through statutory enactment and partly through public sentiment.[60] Governor Hughes says, "It is out of the conflict of competing interests or districts that the executive emerges as a representative of the people as a whole."[61] And in no other field is the governor's increasing importance more striking than in that of administration. His powers in Maryland administration are already very great, especially in the matter of appointments, but his actual supervision should be increased. We may summarize Maryland administration needs as follows: gubernatorial supervision; intra-departmental as well as inter-departmental centralization; integration; and standardization of services.

[59] See J. M. Mathews, "The New Rôle of the Governor," in American Political Science Review, May, 1912.
[60] Public Opinion and Popular Government, Chapter X.
[61] J. A. Fairlie, "The State Governor," in Michigan Law Review, March, April, 1912.

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